Ministerie van Buitenlandse Zaken

To the Chairman of the
House of Representatives of the States General
Princess Irene Street 6
The Netherlands

**Ministry of Foreign Affairs**
**Business**

Rhine Street 8
2515XP The Hague
PO Box 20061
The Netherlands
www.minbuza.nl

**Our reference**
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**Attachment(s)**
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Date September 18, 2025
Re: Request for response to the CoI report on genocide in Gaza

Dear Mr President,

On September 17, Member of Parliament Van Baarle (DENK) requested a letter regarding the recent report from the *Independent International Commission of Inquiry (CoI) on the Occupied Palestinian Territory, including East Jerusalem, and Israel* concerning Israel's actions in the Gaza Strip. This letter to Parliament responds to the House's request for an explanation of this report. It also addresses the European Commission's proposals.

*Commission of Inquiry Report*
On September 16, the *Commission of Inquiry* (CoI) published an analysis of Israel's actions in the Gaza Strip in the context of the Genocide Convention.
Based on conversations, interviews and analyses of, among other things, public information sources, the CoI concludes that Israeli authorities and -
armed forces had genocidal intent and that genocidal intent still exists.

As the Commission itself notes, the final decision on whether genocide has occurred rests with the International Court of Justice (ICJ). As also stated in the letters to Parliament dated January 21, June 18, and September 9, 1999, the Netherlands is generally reluctant to characterize situations as genocide. This issue is currently being debated in the case of South Africa v. Israel before the ICJ.

The Dutch reluctance to characterize cases as genocide should not be seen as a denial of the seriousness of the situation in the Gaza Strip.
The human suffering is unprecedented, and the seriousness of this situation is not lost on the cabinet. The report underscores the catastrophic situation in the Gaza Strip, the immense suffering of the Palestinian civilian population, and draws conclusions about Israel's actions on the ground. The Netherlands takes every risk of genocide very seriously and, partly in light of the aforementioned obligation, has long been taking steps to improve the situation on the ground to the best of its ability. As stated in the letter to Parliament dated June 18,2 the current Israeli actions also raise urgent questions for the cabinet regarding their proportionality. In a broader sense, the report is a

[1] Parliamentary Papers 23 432 No. 546, 23 432 No. 563, 23 432 No. 569 and 21 501-02 No. 3228

The cabinet is concerned about the list of unspeakable suffering associated with war and the resulting humanitarian catastrophe.
The report contains several clear recommendations, which the Netherlands has also been calling for for a long time. These include granting humanitarian actors free access and implementing the ICJ's interim measures. The Netherlands is working hard to alleviate the humanitarian situation in the Gaza Strip and end the war through a combination of pressure and dialogue with the Israeli government.

*European Commission Proposals:* In her State of the Union address on September 10, European Commission President von der Leyen announced measures against Israel. These proposals were discussed today in the College and during the Permanent Representatives Committee (Coreper). The Commission proposes the partial suspension of the trade part of the EU-Israel Association Agreement.

In addition, the Commission advocates for the adoption of the proposal to sanction extremist ministers Ben-Gvir and Smotrich, additional sanctions against violent settlers and organizations, and additional sanctions against Hamas. Many of the Commission's proposals align with what the Netherlands has long advocated within the EU and therefore enjoy the government's support. Furthermore, the government, in collaboration with like-minded partners, continues to press for a proposal from the European Commission for trade policy measures against the import of goods from illegal settlements in occupied territory, in accordance with the Van Campen and Boswijk motion.

The government's commitment is to end the war, alleviate the suffering in the Gaza Strip, and achieve a lasting solution without a terrorist organization like Hamas. A swift ceasefire between Israel and Hamas remains essential for the release of all hostages, the alleviation of humanitarian needs, and a lasting solution. The government will achieve this through a combination of pressure and dialogue to persuade the Netanyahu government to change course. Furthermore, the government harbors no illusions about the actions and intentions of Hamas, which bears partial responsibility for the situation on the ground, the lack of a ceasefire, and the fate of the hostages.

The Minister of Foreign Affairs,

DM van Weel

A/HRC/60/CRP.3

16 September 2025

English only

**Human Rights Council**
**Sixtieth session**

# Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide

## Conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

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# I. Introduction

1. The Independent International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel ("the Commission") was established on 27 May 2021[1] by the Human Rights Council to, *inter alia,* investigate in the occupied Palestinian territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and establish the facts and circumstances that may amount to such violations and abuses and of crimes perpetrated.

2. The Commission has been collecting and analysing evidence in relation to alleged violations committed by all parties to the conflict. The Commission has published three mandated reports[2] and three conference room papers[3] detailing violations of international human rights law, international humanitarian law and international crimes committed by all parties since 7 October 2023.[4] The Commission's legal findings in this report are primarily based on the factual findings contained in the reports that it has published since 7 October 2023, and findings from its mandated report that will be presented to the General Assembly in October 2025.[5] The Commission has relied on its own investigations but it is clear that its findings are not the only relevant facts and events for an analysis of genocide. The incidents included in this report are non-exhaustive of incidents relevant to an analysis of genocide.

3. In its previous reports to the Human Rights Council and the General Assembly, the Commission found that the Israeli security forces have committed crimes against humanity and war crimes in Gaza, including extermination, torture, rape, sexual violence and other inhumane acts, inhuman treatment, forcible transfer, persecution based on gender and starvation as a method of warfare. Furthermore, the Commission found that the Israeli authorities have (i) destroyed in part the reproductive capacity of the Palestinians in Gaza as a group, including by imposing measures intended to prevent births; and (ii) deliberately inflicted conditions of life calculated to bring about the physical destruction of Palestinians as a group, both of which are underlying acts of genocide in the Rome Statute and the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention").

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[1] A/HRC/RES/S-30/1.

[2] A/HRC/56/26; A/79/232; A/HRC/59/26.

[3] "Detailed findings on attacks carried out on and after 7 October 2023 in Israel" (A/HRC/56.CRP.3), available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-3.pdf; "Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023" (A/HRC/56/CRP.4), available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-4.pdf; "More than a human can bear": Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023" (A/HRC/58.CRP.6), available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/a-hrc-58-crp-6.pdf.

[4] Additionally, the Commission has published two position papers in relation to the legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem: "Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem Request for an Advisory Opinion from the International Court of Justice" available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/202309-ICJ-position-paper.pdf; and "Legal analysis and recommendations on implementation of the International Court of Justice, Advisory Opinion, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem", available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/2024-10-18-COI-position-paper_co-israel.pdf.

[5] A/80/337.

4. Having concluded that the Israeli security forces committed crimes against humanity, war crimes and the *actus reus* of two underlying acts of genocide in Gaza, the Commission now addresses the issue of genocide. The Commission analyses the conduct of the Israeli security forces in Gaza starting in October 2023, excluding other geographical and temporal aspects, and state responsibility under international law under the Genocide Convention. The Commission refers to its relevant factual findings in relation to the Israeli military operations in Gaza and examines if such findings fulfil the requirements to establish the *actus reus* and *mens rea* of genocide and, if so, the legal consequences for Israel and other States under the Genocide Convention.

5. As stated above, this report only examines the violations committed in Gaza since October 2023 within the framework of state responsibility for genocide. This does not foreclose the possibility of future analysis by the Commission, under the same legal framework of genocide, of violations committed against the Palestinian people in any other period or in any geographical area within the Commission's mandate, including but not limited to the West Bank, including East Jerusalem. It also does not foreclose the possibility of future analysis by the Commission, under the same legal framework of genocide, of violations committed on 7-8 October 2023 in southern Israel against Israelis.

6. The Commission notes the current proceedings at the International Court of Justice brought by South Africa against Israel under the Genocide Convention for Israel's actions in Gaza since October 2023. The Commission is aware of the seriousness of these proceedings and that the International Court of Justice will make a final determination in the future on Israel's responsibility under the Genocide Convention. The Commission, as an independent investigative body of the United Nations with the mandate to investigate international crimes, considers it important that it also make an assessment of Israel's responsibility under the Genocide Convention, and provide its recommendations in relation to Israel and third states pursuant to provisions of the Genocide Convention. This report does not examine individual criminal responsibility under the Rome Statute.

7. The Commission applies the same methodology and standard of proof previously adopted for its investigations, that is, 'reasonable grounds to conclude', in assessing the factual findings and conclusions.[6] This report is limited in temporal scope (from 7 October 2023 to 31 July 2025) and geographical scope (the Gaza Strip).

# II. Legal framework

8. The prohibition of genocide is a peremptory norm of international law (*jus cogens*), an international legal obligation that is accepted and recognised by the international community of States as a whole and from which no derogation is permitted. The principles underlying the Genocide Convention are recognised by all nations as binding on all States, even without any treaty obligations.[7] In the *Barcelona Traction* case, the International Court of Justice recognised the *erga omnes* obligation in preventing and punishing genocide, that is, all States have an obligation to prevent and punish genocide wherever and whenever it occurs or may occur.[8]

9. The duty to prevent genocide obligates States to take all necessary steps to try to avoid or stop the commission of genocide. Such duty crystalises "at the instant

[6] https://www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent_ICI_Occupied_Palestinian_Territories.pdf.

[7] ICJ, *Reservations to the Convention on Genocide, Advisory Opinion, I.C.J. Reports 1951, p. 15,* 28 May 1951, p. 23; ICTR, *Prosecutor v. Georges Rutaganda,* ICTR-97-20-T, Judgement, 6 December 1999, para. 46.

[8] ICJ, *Barcelona Traction, Light and Power Company, Limited, Judgment, I.C.J. Reports 1970,* p. 3, 5 February 1970, paras. 33-34.

that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed".[9] Therefore, such duty arises when a State is put on notice of information suggesting the risk of commission of genocidal acts and it has the capacity and means to prevent such acts from occurring.[10]

10. The commission of genocide could trigger State responsibility where an act that is committed by an agent can be attributed to the State.[11] Therefore, to establish State responsibility for genocide, such crime must have been committed with the requisite specific intent before it could be attributed to the State.[12] It is not necessary for the State to share the specific intent, as long as the State has full knowledge of the relevant facts.[13] The International Court of Justice stated that "there cannot be a finding of complicity against a State unless at the least its organs were aware that genocide was about to be committed or was under way".[14]

11. The duty to punish the commission of genocide arises when genocidal acts have been committed. Such duty requires the State to effectively investigate and duly punish the acts that may amount to genocide, where it is in a position to do so, taking into account the means and ability of the State.[15]

12. Genocide is defined in precisely the same terms by the Genocide Convention and the Rome Statute of the International Criminal Court. It is an international crime that incurs individual criminal responsibility. Its criminal status is recognised in customary international law and binds all States whether or not parties to the Genocide Convention or the Rome Statute. The Rome Statute that established the International Criminal Court gives that Court jurisdiction to prosecute and punish individuals for the crime of genocide if committed on the territory of a State Party, regardless of the nationality of the perpetrator, or by a national of a State Party, wherever committed. In addition, the crime is also subject to universal jurisdiction and perpetrators can be tried and punished in any State. In parallel, where State officials commit or fail to prevent the commission of genocide, the State may be responsible for the crime if the standard of attribution is fulfilled.

13. The crime of genocide covers acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. It does not cover acts to destroy any group but only those groups defined as such by nationality, race,

[9] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 431.

[10] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, paras. 438, 461-462

[11] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, paras 163, 166-167, 172-178; ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 32.

[12] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, paras. 373 and 376.

[13] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 432.

[14] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 432.

[15] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, 430.

ethnicity or religion. The International Court of Justice has recognised the Palestinian people as such a group.[16]

14. Pursuant to the Genocide Convention and the Rome Statute, genocide is committed when one or more of the following five categories of underlying acts are committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

a. Killing members of the group;

b. Causing serious bodily or mental harm to members of the group;

c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

d. Imposing measures intended to prevent births within the group;

e. Forcibly transferring children of the group to another group.[17]

15. In relation to the required mental element, it should be noted that each of the underlying acts above needs to be committed intentionally (that is, not negligently);[18] and, for each act to constitute genocide, it must additionally be committed with the specific intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. In relation to the third category, 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part', it is required to establish that the act was not only deliberate (as opposed to accidental or collateral) but that such act was inflicted "as a way to contribute to the over-arching purpose of destroying the group, in whole or in part." [19] In relation to the fourth category, 'imposing measures intended to prevent births within the group', it is required to establish that the measures were intentionally imposed not only as a punishment to the group but also to prevent births within the group "so as to contribute to the ultimate destruction of that group".[20]

16. Based on the findings in its reports and several additional cases, the Commission focuses on four categories of punishable acts under article II of the Genocide Convention, namely (i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (iv) imposing measures intended to prevent births within the group. At this time, the Commission has no evidence in relation to the fifth category of act, forcibly transferring children.

17. A State Party to the Genocide Convention may be found to have committed genocide through actions of their organs or groups whose acts are attributable to the State.[21] Furthermore, a State Party may be held responsible for its failure to prevent

[16] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Request for the Indication of Provisional Measures, Order, 26 January 2024, para. 45. See also ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 198.

[17] Genocide Convention, art. II; Rome Statute, art. 6.

[18] ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 186.

[19] Mettraux, G., *International Crimes: Law and Practice (Volume I: Genocide),* Oxford University Press, 1st edition, 2019, p. 278.

[20] Mettraux, G., *International Crimes: Law and Practice (Volume I: Genocide),* Oxford University Press, 1st edition, 2019, pp. 281-282.

[21] ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 167.

or punish genocide. This is discussed further below (see *'Legal consequences on States and their obligations'*).[22]

# III. Underlying acts of genocide

## A. Killing members of the group

### i. Legal framework

18. The act of killing can be understood to mean 'causing death'.[23] The requirements for killing as a genocidal act are equivalent to those for murder as a crime against humanity and wilful killing as a war crime.[24] There is no requirement as to a minimum number of victims for the act to constitute a genocidal act of killing, and the manner of killing is irrelevant.[25]

19. The *actus reus* of murder or killing is therefore an act or omission resulting in the death of an individual.[26] Death may be established by direct evidence or circumstantial evidence and the required causal nexus is that the victim is dead as a result of acts or omissions of the accused or of one or more persons for whom the accused is criminally responsible.[27] In relation to the *mens rea* of the underlying act of 'killing', it must be established that the perpetrator intends to kill – or cause the death of – the victim or to cause such serious injury that one would reasonably have known to result in death.[28]

### ii. Summary of factual findings

20. On 7 October 2023, Israel launched its military offensive in Gaza, which included airstrikes and ground operations. The hostilities since then have seen tens of thousands of deaths, including whole extended families of Palestinians in Gaza wiped out, across several generations.[29] From 7 October 2023 to 31 July 2025, 60,199 Palestinians were killed, of whom 18,430 were children and 9,735 were women.[30] Reportedly, life expectancy (on average, both sexes combined) in Gaza decreased from 75.5 years for the year before October 2023 to 40.5 years during the first 12 months of the war, a dramatic decrease of 34.9 years of life expectancy (46.3 percent), almost half of the pre-

[22] Genocide Convention, art. I.

[23] ICC, Elements of Crimes, fns. 2, 7 and 31.

[24] ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, paras. 481 and 542. See also ICTY, *Prosecutor v. Ratko Mladić,* IT-09-92-T, Judgment (volume 3), 22 November 2017, para. 3434 (citing: ICTR, *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-A, Judgement (Appeals Chamber), 1 June 2001, para. 151). The Commission refers to the determination of Pre-Trial Chamber I of the International Criminal Court that the law of international armed conflict applies to the conflict between Israel and Palestine (https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges).

[25] ICTR, *Prosecutor v. Mikaeli Muhimana,* ICTR-95-1B-T, Judgement, 28 April 2005, para. 498; ICJ, *Application of Convention on Prevention and Punishment of Crime of Genocide (Gambia v. Myanmar),* Joint Declaration of Intervention of Canada, Denmark, France, Germany, the Netherlands and the United Kingdom, 15 November 2023, para. 60.

[26] ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 446.

27 ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 446; *Prosecutor v. Sefer Halilovic,* IT-01-48-T, Judgement, 16 November 2005, para. 37.

[28] For example, ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 156; ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 501; ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, paras. 447-448.

[29] A/HRC/56/CRP.4, para. 54.

[30] https://www.ochaopt.org/content/humanitarian-situation-update-311-gaza-strip.

war life expectancy levels.[31] Importantly, this figure does not take into account the indirect effect of the conflict on mortality, for example, deaths due to the inability to access healthcare or malnutrition; the life expectancy would be lower should such information become available.[32]

21. According to the United Nations Office of the High Commissioner for Human Rights ("OHCHR"), as of 15 July 2025, at least 46 percent of Palestinians killed in Gaza since 7 October 2023 were women (9,497) and children (17,921), out of 58,380 verified deaths at that time.[33] Notably, the deaths of women and children comprised nearly sixty percent of the total fatalities from the resumption of Israeli military operations on 18 March 2025 until 25 March 2025.[34] According to OHCHR, there were 224 Israeli strikes on residential buildings and tents for displaced people in the Gaza Strip between 18 March and 9 April 2025. "In some 36 strikes about which the UN Human Rights Office corroborated information, the fatalities recorded so far were only women and children."[35] On 25 March 2025, Save the Children reported that more children have been killed in the first week since Israel resumed its military operations in Gaza compared to any other week since 7 October 2023.[36] The Commission notes with alarm a report that finds, as of May 2025, Israeli intelligence officials have listed 8,900 militants from Hamas and Palestinian Islamic Jihad in Gaza as dead or probably dead. Considering, at this point, 53,000 Palestinians had been killed by Israeli attacks, it means that 83 percent of those killed in Gaza were civilians.[37]

22. Israel has used heavy unguided munitions with a wide margin of error in densely populated residential areas. The outcome of these attacks is consistent with the stated strategy employed by Israel. As one Israeli security forces spokesperson said, "we are focused on what causes maximum damage."[38] The Commission observed that the Israeli security forces repeatedly subjected urban areas in the Gaza Strip to heavy bombardment with explosive weapons with wide-area effect, rather than precision guided (or "smart") weapons, leading to the complete destruction of neighbourhoods. The number of bombs used by Israel since 7 October 2023 is extraordinary even in comparison to other world conflicts. One military expert said, "Israel is dropping in less than a week what the United States was dropping in Afghanistan in a year, in a much smaller, much more densely populated area".[39] The Commission noted that the Israeli Air Force ("IAF") uses a wide range of fighter aircraft fitted with munitions that have a large destructive capacity, especially when used in populated areas.

23. The Gaza Strip, with approximately 2.3 million[40] residents in a 360 square kilometre area, has a high population density of around 6,300 persons per square kilometre, ranking among the densest globally.[41] Israeli military operations have

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31 Guillot, M., Draidi, M., Cetorelli, V., Monteiro Da Silva, J. H. C., and Lubbad, I., *Life expectancy losses in the Gaza Strip during the period October, 2023, to September, 2024,* Lancet 2025; 405: 478–85, pp. 482, 484.

32 Guillot, M., Draidi, M., Cetorelli, V., Monteiro Da Silva, J. H. C., and Lubbad, I., *Life expectancy losses in the Gaza Strip during the period October, 2023, to September, 2024,* Lancet 2025; 405: 478–85, pp. 481, 484.

33 https://www.ochaopt.org/sites/default/files/Gaza_Reported_Impact_Snapshot_30_July_2025.pdf.

34 https://www.unwomen.org/en/news-stories/press-briefing/2025/03/press-briefing-by-un-women-on-the-collapse-of-a-gaza-ceasefire-and-its-devastating-impact-on-women-and-girls.

35 https://www.ohchr.org/en/press-briefing-notes/2025/04/gaza-increasing-israeli-evacuation-orders-lead-forcible-transfer.

36 https://x.com/Save_GlobalNews/status/1904477090855919962.

37 https://www.theguardian.com/world/ng-interactive/2025/aug/21/revealed-israeli-militarys-own-data-indicates-civilian-death-rate-of-83-in-gaza-war

38 A/HRC/56/CRP.4, paras. 154-156.

39 A/HRC/56/CRP.4, para. 77; https://www.washingtonpost.com/world/2023/10/12/israel-seeks-end-hamas-gaza-war/.

40 https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=4676.

41 https://www.cia.gov/the-world-factbook/countries/gaza-strip/#:~:text=2%2C098%2C389%20(2023%20est.).

targeted locations in densely populated civilian areas in Gaza. They have targeted civilian infrastructure such as high-rise buildings and residential apartment blocks in Gaza. These led to the levelling of entire city blocks and residential neighbourhoods under sustained heavy bombardment.[42] On many occasions, Israeli bombardment has destroyed apartment blocks, killing almost all the civilians therein.[43]

24. The Commission investigated large-scale incidents between October and December 2023 in which the Israeli security forces attacked civilian neighbourhoods resulting a high number of civilian deaths.[44] For example, on 20 October 2023, the Al-Aydi family home in Al-Nuseirat refugee camp was struck by an airstrike in an area designated by the Israeli military on 8 October 2023 as a safe zone for residents of the northern Gaza Strip.[45] According to Amnesty International, the Israeli strike killed 28 civilians, including 12 children. One survivor recounted the devastating event to Amnesty International: "[w]e were sitting at home, it was full of people, of children, of relatives. Suddenly, without any warning, everything collapsed on our head. All my brothers died, my nephews, my nieces… My mother died, my sisters died".[46]

25. According to the World Health Organization ("WHO"), between 7 October 2023 and 30 July 2024, Israel carried out 498 attacks on healthcare facilities in the Gaza Strip. A total of 747 persons were killed directly in those attacks.[47] The Commission found that children were killed as a result of direct attacks on hospitals.[48] It concluded in its previous report that attacks against healthcare facilities directly resulted in the killing of civilians, including children and pregnant women, who were receiving treatment or seeking shelter. Furthermore, due to the absence of crucial medical care, many injured Palestinians who were able to access a hospital still succumbed to their injuries.

26. Importantly, in relation to the targeting of Palestinians along evacuation routes and in safe zones, the Commission found that Palestinians, including women and children, were directly targeted and killed, even in the absence of hostilities in the vicinity and when they were by themselves.[49] One such incident occurred on 13 October 2023 on Salah Al-Din Street in Gaza City, where an evacuation convoy of vehicles heading south was struck by several projectiles near the Esleem petrol station. The attack targeted not only passing civilian vehicles but also clearly marked first responders and medical teams arriving at the scene. An eyewitness reported that approximately 200 individuals, mostly women and children, were on the same truck with him, near the explosion site. He described how subsequent explosions caused multiple civilian casualties. As emergency teams arrived and began assisting the wounded, another attack occurred.[50]

27. The Commission highlights the killing of five children near the Faris Gas Station in the Tel al Hawa neighbourhood of Gaza City on 29 January 2024. In the incident, Bashar Hamada Hamouda and Enaam Mohammad Hamada were killed by the Israeli security forces while driving a car with five children (four girls and one boy) including fifteen-year-old Layan Hamada and her five-and-a-half-year-old cousin Hind Rajab. The Commission established that the family's car was targeted by shots from guns likely mounted on tanks, killing Layan's parents, Bashar and

[42] https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-20.

[43] See, for example, https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/.

[44] A/HRC/56/CRP.4, para. 168.

[45] https://twitter.com/AvichayAdraee/status/1710776997230620908/video/4.

[46] https://www.amnesty.org/en/latest/news/2023/11/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives; A/HRC/56/CRP.4, para. 123.

[47] WHO, "oPt Emergency Situation Update, Issue 38, 7 Oct 2023–29 July 2024 at 16:00", 29 July 2024.

[48] A/79/232, para. 35.

[49] A/HRC/56/CRP.4, para. 427.

[50] A/HRC/56/CRP.4, para. 110.

Enaam, and three other siblings, leaving Layan and Hind injured. Hind's mother called Bashar at 12:00, and Layan answered the call. By then, the rest of the family were already killed. Layan was alive at least until 14:45 when she answered a call from PRCS. During this call, she informed PRCS that she and Hind were injured and that there was a tank nearby. Layan was likely killed at around this time, as shots were heard on the call and the line was cut. The Israeli security forces fired also a tank shell at the ambulance dispatched to their location preventing access to the victims, including Hind who was still alive at the time. Hind remained alive until at least 19:00 that day and subsequently died.[51]

28. In all cases analysed by the Commission in relation to the attacks along the evacuation routes and within designated safe areas, the Commission found that the Israeli security forces had clear knowledge of the presence of Palestinian civilians along the evacuation routes and within the safe areas but nevertheless they shot at and killed civilians, some of whom (including children)[52] were holding makeshift white flags.[53] Some children, including toddlers, were shot in the head by snipers.[54]

29. The Commission also highlights the deaths that resulted from the blockade of humanitarian aid, especially medicine and medical equipment, from entering into Gaza. Medical personnel told the Commission about increases in maternal morbidity and child neonatal and intrapartum death which was likely due to the extremely difficult conditions, including the lack of space, medication and equipment. The Commission interviewed an obstetrician who spoke about deaths of pregnant patients he had treated, whom he referred to as "indirect victims of war". Several of these deaths were due to the lack of adequate medication and treatment. In one case, a pregnant woman in her early 30s died in Al-Emirati Hospital in Rafah due to an infection (septicaemia) following a complicated Caesarean section. The obstetrician also spoke about another pregnant woman he treated at the European Hospital; the woman, who was diabetic, died due to lack of adequate medication and treatment.[55]

30. The Gaza Humanitarian Foundation ("GHF"), an Israeli and US-backed organisation established to distribute aid in Gaza, began its operations in May 2025. The Commission notes with alarm that, as of 31 July 2025, "at least 1,373 Palestinians have been killed while seeking food; 859 in the vicinity of the Gaza Humanitarian Foundation sites and 514 along the routes of food convoys", since the GHF took over aid distribution in Gaza.[56] According to information available to the Commission, American contractors are responsible for some these acts. OHCHR stated that most of these killings were committed by the Israeli military.[57] According to a spokesperson from the OHCHR, the killings began shortly after the GHF started its operations on 27 May 2025, "bypassing the UN and other established NGOs"[58] that had been operating in Gaza prior to the establishment of the GHF. On 27 June 2025, MSF published on its website that, on a daily basis, its teams saw patients who had been killed or wounded trying to get food from one of the distribution sites.[59] Several doctors have told the Commissioners that many Palestinians, including children, were shot at when they were at GHF sites. An emergency doctor in Gaza told the Commission that Nasser Medical Complex had received mass casualties

[51] A/HRC/58/CRP.6, paras. 33-34.

[52] https://www.aljazeera.com/news/2024/1/29/two-brothers-shot-by-israeli-forces-in-khan-younis-white-flag-ignored; https://www.itv.com/news/2024-02-02/gaza-two-young-brothers-shot-dead-while-carrying-white-flag

[53] A/HRC/56/CRP.4, para. 428.

[54] For example, A/HRC/56/CRP.4, paras. 130 and 213.

[55] A/HRC/58/CRP.6, para. 49.

[56] https://reliefweb.int/report/occupied-palestinian-territory/killings-palestinians-seeking-food-gaza-continue-starvation-deepens-enar.

[57] https://reliefweb.int/report/occupied-palestinian-territory/killings-palestinians-seeking-food-gaza-continue-starvation-deepens-enar.

[58] https://news.un.org/en/story/2025/07/1165396.

[59] https://www.doctorswithoutborders.org/latest/gaza-humanitarian-foundation-aid-distribution-system-must-be-dismantled.

from a GHF distribution point in Rafah. According to the doctor, victims, including children, from the GHF distribution site suffered from gunshot, shrapnel and quadcopter wounds. He told the Commission that among the child victims were a one-and-a-half-year-old girl who suffered from a single shot to the chest while she was in her mother's arms and, on a different day, a 13-year-old girl who was also shot in the chest. Another doctor who was also at Nasser Medical Complex told the Commission that he had received many child victims who came from two GHF sites, all of whom suffered from gunshot wounds. On 21 June 2025, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA") stated, referring to GHF, that the "so-called "aid mechanism" is an abomination that humiliates and degrades desperate people. It is a death-trap, costing more lives than it saves. Food is weaponized, and Palestinians are dehumanized, without consequence."[60]

31. Palestinians in Gaza were attacked in their homes, at hospitals, in shelters (including schools and religious sites), during the evacuations and in designated safe zones. At times, civilians, journalists, healthcare professionals, humanitarian workers and other protected persons were directly targeted and killed. According to the Ministry of Health in Gaza, as of 15 April 2025, 1,400 healthcare workers were killed.[61] On 31 March 2025, UNRWA Commissioner-General stated that a total of 408 aid workers were killed in Gaza since 7 October 2023.[62] From 7 October 2023 to 23 July 2025, over 330 UNRWA team members have been confirmed killed.[63] Reportedly, as of 3 March 2025, at least 170 journalists and media worker had been killed due to Israeli military operations.[64]

32. The killings even occurred during ceasefire periods, contrary to the terms of the ceasefire and without warning. For example, at approximately 02:30 in the early morning of 18 March 2025, when the ceasefire agreement was still in effect, Israel launched waves of airstrikes across Gaza (north Gaza, Gaza City, Deir el-Balah, Khan Younis, Al-Mawasi and Rafah) without prior warning, killing more than 404 Palestinians and injuring more than 562 as of mid-day.[65] More than half of those killed were children and women: at least 170 children and 80 women.[66] Defense for Children Palestine reported that the number of child deaths as a result of these attacks was one of the highest number of deaths in a single day since 7 October 2023.[67] Medical professionals have informed the Commission that they have treated child victims in Gaza whose injuries were consistent with sniper and quadcopter shot wounds. Doctors told the Commission that they were informed by parents that the children were alone when they were shot (for example, one child was outside looking for firewood) or that the adults present at the time were completely unharmed.

33. The Israeli security forces stated that the extensive strikes conducted on or after 18 March 2025 were carried out against 'terror targets' belonging to Hamas "[i]n accordance with the political echelon", presumably meaning under orders of the Israeli government. Areas targeted included shelters that housed displaced

[60] https://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-philippe-lazzarini-51st-session.

[61] https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-7-may-2025.

[62] https://x.com/UNLazzarini/status/1906699285451694206?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1906699285451694206%7Ctwgr%5E5b1f00967d2f93465ec6ead8780af0ad9335fbb3%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fnews.un.org%2Fen%2Fstory%2F2025%2F03%2F1161721.

[63] https://www.unrwa.org/resources/reports/unrwa-situation-report-181-situation-gaza-strip-and-west-bank-including-east-jerusalem.

[64] https://cpj.org/2025/02/journalist-casualties-in-the-israel-gaza-conflict/#:~:text=As%20of%20February%2028%2C%202025,began%20gathering%20data%20in%201992.

[65] https://www.ochaopt.org/content/humanitarian-situation-update-273-gaza-strip.

[66] https://www.ochaopt.org/content/humanitarian-situation-update-273-gaza-strip.

[67] https://www.dci-palestine.org/174_palestinian_children_in_gaza_killed_by_relentless_israeli_attacks_overnight.

Palestinians.[68] According to Israeli Finance Minister Bezalel Smotrich, the attacks were part of a gradual process planned since early March 2025.[69]

34. The Commission has found in its previous reports that Israeli security forces have deliberately targeted and killed medical personnel and aid workers.[70] Between 7 October 2023 and 30 July 2025, 48 staff and volunteers from the Palestine Red Crescent Society ("PRCS") were killed including 28 while on duty.[71] Medical personnel stated that they believed they had been intentionally targeted.[72] For example, in relation to the 29 January 2024 attack on a family, including five children, in a vehicle and on a PRCS ambulance, the Commission concluded that the 162 Division of the Israeli security forces was operating in the area and was responsible for killing the family of seven, as well as for shelling the ambulance, killing the two paramedics who were inside.[73]

35. An especially egregious mass killing of Palestinian health and humanitarian workers occurred in Tal as-Sultan in the Rafah area on 23 March 2025. The Commission notes that there were at least three separate incidents that occurred on the same day in Tal as-Sultan area of Rafah. The findings below refer to two of the incidents and are based on the Commission's investigation.

36. On 23 March 2025, at 03:49, two ambulance units were dispatched from separate locations to respond to the targeting of a civilian home. Having arrived at the scene and assessed the situation, the first ambulance unit confirmed that there was no need for further assistance and informed the dispatch officer that the second ambulance unit may return to the PRCS base. The first ambulance unit then returned to the PRCS base, safely. However, as efforts to reach the second ambulance unit were unsuccessful, the first ambulance unit was then dispatched again at 04:39 to search for the second ambulance unit. At 04:53, the members from the first ambulance unit saw the second ambulance unit parked on the right side of the road, and immediately requested backup, reporting that the crew were under attack. As a result, a convoy of two other ambulance units from PRCS was dispatched to the area, accompanied by two Palestinian Civil Defence vehicles. The Commission's findings focus on the first attack against the second ambulance unit, and a subsequent attack against the convoy (the first ambulance unit, two other ambulance units from PRCS and two Palestinian Civil Defence vehicles), all of whom at one point or another lost contact with the PRCS base.

37. The Commission notes that it was only on 27 March 2025, four days after the incidents, that a team led by the United Nations Office for the Coordination of Humanitarian Affairs ("OCHA") was eventually permitted to access the site at Tal as-Sultan area of Rafah.[74] The team found the body of one Civil Defence worker on that day.[75] OCHA OPT Head of Office, Jonathan Whittall, stated that "ambulances have been buried in the sand. There's a UN vehicle here, buried in the sand. A bulldozer - Israeli forces bulldozer has buried them."[76] Five days after the incident, in a statement to AFP on 28 March 2025, the Israeli security forces claimed that the vehicles "advanced suspiciously toward the troops" and the troops "responded by firing toward the suspicious vehicles, eliminating a number of Hamas and Islamic

[68] https://aje.io/oc05av?update=3585881; https://aje.io/oc05av?update=3585950.

[69] https://aje.io/oc05av?update=3586253; https://x.com/QudsNen/status/1901904962533097859; https://today.lorientlejour.com/article/1452223/far-right-israeli-ministers-celebrate-assault-on-gaza.html; https://x.com/bezalelsm/status/1901865554383675797?s=19 (18.3.2025).

[70] A/HRC/56/CRP.4, para. 255; A/79/232, para. 89.

[71] https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-30-july-2025.

[72] A/79/232, para. 8.

[73] A/79/232, para. 95.

[74] https://x.com/palestinercs/status/1905616653028598179?s=46.

[75] https://www.euronews.com/my-europe/2025/04/07/what-we-know-about-the-killings-of-15-palestinian-first-responders-by-israeli-forces; https://www.aa.com.tr/en/middle-east/palestinian-red-crescent-recovers-paramedic-s-body-in-rafah-8-still-missing/3521968; https://aje.io/7xd759?update=3609540; https://euromedmonitor.org/en/article/6665.

[76] https://www.unocha.org/media-centre/gaza-tal-sultan-aftermath-30-march-2025.

Jihad terrorists."[77] On 30 March 2025, the rescue team returned to the site and recovered an additional 14 bodies in a mass grave.[78] In total, 15 bodies were recovered: eight from the PRCS, six from the Palestinian Civil Defence and one UNRWA employee.[79]

38. On 31 March 2025, an Israeli military spokesperson, Nadav Shoshani, stated on X that the Israeli security forces had opened fire at "several uncoordinated vehicles [that] were identified advancing suspiciously toward [Israeli security forces] troops without headlights or emergency signals".[80] He added that the Israeli security forces had eliminated a total of nine Palestinian militants. On 2 April 2025, the Israeli security forces issued a press release that echoed Shoshani's post on X and added that the Israeli security forces had "eliminat[ed] a number of Hamas and Islamic Jihad terrorists" and that the incident was under investigation.[81]

39. A video was subsequently recovered from the mobile phone of one of the aid workers who was killed on 23 March 2025. The video, published by PRCS on 5 April 2025, confirmed that "a convoy of ambulances and a fire truck, clearly marked, with headlights and flashing lights turned on, [was] driving south on a road to the north of Rafah in the early morning" on 23 March 2025.[82] The first responders were met with gunshots from the surrounding area for at least five-and-a-half minutes when they attempted to inspect the ambulance at the side of the road. Importantly, there were no shots fired from the convoy before they were attacked, and throughout the ordeal.

40. Reportedly, a forensic consultant who examined five of the bodies stated that all of the victims died from bullet wounds and, specifically in relation to three of them, "[o]ne observation is that the bullets were aimed at one person's head, another at their heart, and a third person had been shot with six or seven bullets in the torso."[83] On 4 April 2025, Dr. Younis Al-Khatib, President of PRCS, stated at a press conference that the aid workers "have been targeted from a very close range."[84]

41. On 5 April 2025, an Israeli military official reportedly stated that "there were terrorists there but this investigation is not over" and that "the person who gives the initial account is mistaken."[85]

42. The Commission reviewed the narratives of two witnesses of the ordeal; one was a PRCS volunteer paramedic from the second ambulance unit that was initially dispatched at 03:49 on 23 March 2025, and the other a physician who was on his

[77] https://www.france24.com/en/middle-east/20250329-israel-admits-firing-ambulance-gaza-strip-palestine-red-crescent-rescue-hamas-war-crime; https://www.euronews.com/my-europe/2025/04/07/what-we-know-about-the-killings-of-15-palestinian-first-responders-by-israeli-forces.

[78] https://www.unocha.org/media-centre/gaza-tal-sultan-aftermath-30-march-2025.

[79] https://www.unocha.org/media-centre/gaza-tal-sultan-aftermath-30-march-2025. On 28 May 2025, UNRWA Commissioner-General stated on X that one staff member left his home on 23 March 2025, "wearing his UN vest, and driving a clearly marked UN vehicle", and UNRWA lost contact with him less than an hour later. He was "killed through one or multiple blows to the back of his skull" and buried next to the convoy members who were killed (https://x.com/unlazzarini/status/1927728663757226392?s=46&t=5w8Eq0Cq-65NBExmyFmCIg).

[80] https://x.com/LTC_Shoshani/status/1906761462917247361.

[81] https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/april-25-pr/the-incident-on-march-23rd-in-which-terrorists-abusing-medical-vehicles-were-eliminated-by-idf-troops/.

[82] https://www.nytimes.com/2025/04/04/world/middleeast/gaza-israel-aid-workers-deaths-video.html.

[83] https://www.theguardian.com/world/2025/apr/02/evidence-execution-style-killings-palestinian-workers-israeli-forces-doctor-says.

[84] https://media.un.org/avlibrary/en/asset/d335/d3358156.

[85] https://www.reuters.com/world/middle-east/israeli-military-changes-initial-account-gaza-aid-worker-killings-2025-04-06/; https://www.theguardian.com/world/2025/apr/06/israeli-military-admits-initial-account-of-palestinian-medics-killing-was-mistaken; https://www.ynet.co.il/news/article/bkc00rkjcyx#google_vignette; https://www.israelhayom.co.il/news/defense/article/17689429; https://www.idf.il/286233.

way to go fishing.[86] The volunteer paramedic stated that the ambulance unit he was in was attacked, and two of his colleagues were killed. He was beaten on the back with rifle butts, spat on and accused of being a terrorist. Separately, the physician and his twelve-year-old son were detained and, at a later point, detained together with the volunteer paramedic. Both the volunteer paramedic and the physician stated that the vehicles' headlights and emergency signals of the convoy that approached the area were on, and that the convoy's vehicles were stationary when the shooting began. The volunteer paramedic said that, subsequently, "around 20 Israeli tanks and around 100 Israeli soldiers arrived on the scene […] and dug four large holes in the ground." The New York Times confirmed that satellite images showed "the four ambulances and Civil Defense truck clumped together toward the side of the road, next to where they were later buried. Three bulldozers, an excavator and Israeli tanks were nearby." The volunteer paramedic said that, when it was fully light, he saw a Caterpillar D9 bulldozer "crushing five ambulances and the fire truck and pushing them into one of the holes". The physician said that he saw "the bulldozer plowing the bodies into the ground along with the vehicles."

43. The Israeli security forces published its summary of investigations on 20 April 2025, claiming that "the incident took place in a hostile and dangerous combat arena" and that the shots were fired because the Israeli security forces (in particular, the Golani Reconnaissance Unit) were "threatened in a real and immediate manner". The summary also provided that the "commander did not initially identify that these were ambulances, due to limited visibility at night." Furthermore, the investigation concluded that "a number of professional errors and deviations from the orders were discovered, along with a failure to fully report the incident."[87]

44. The Commission finds the Israeli response lacking, erroneous and misrepresentative. First, the video, taken by one of the aid workers before he was killed, exposed the false narrative of the Israeli authorities.[88] The video, which was made public on 5 April 2025, established there was no active gunfire heard before the shots fired by the Israeli security forces. Second, even if the area was a hostile area, as the Israeli security forces claimed, the vehicles of the convoy were clearly identifiable through logos and their sirens and emergency lightings. Yet, even after the release of the video, the Israeli security forces refused to take responsibility and brushed off the killings as "a mistake". Notably, the investigation was initiated only following immense public scrutiny. Third, the Commission notes that the conduct of the Golani unit on 23 March 2025 was consistent with instructions given by its commander in a video dated 4 April 2025, when he told soldiers, "Everyone you encounter is an enemy. If you see a figure, open fire, neutralise the threat and keep moving. Do not hesitate, do not second-guess".[89] The Commission also notes the consistent pattern of conduct demonstrated by the Israeli security forces in the aftermath of attacks, in that they have often denied and shifted responsibilities until evidence that contradicts their narrative surfaced; and even then, the Israeli security forces have consistently refused accountability and often blamed individual oversight. The Commission retains information regarding the identity of persons of interest within the Israeli security forces for this incident. The Commission has

[86] https://www.nytimes.com/2025/04/06/world/middleeast/gaza-medics-killed-israel.html.

[87] https://www.idf.il/%D7%90%D7%AA%D7%A8%D7%99-%D7%99%D7%97%D7%99%D7%93%D7%95%D7%AA/%D7%99%D7%95%D7%9E%D7%9F-%D7%94%D7%9E%D7%9C%D7%97%D7%9E%D7%94/%D7%9B%D7%9C-%D7%94%D7%9B%D7%AA%D7%91%D7%95%D7%AA/%D7%94%D7%A4%D7%A6%D7%95%D7%AA/%D7%A1%D7%99%D7%9B%D7%95%D7%9D-%D7%AA%D7%97%D7%A7%D7%95%D7%A8-%D7%A4%D7%92%D7%99%D7%A2%D7%94-%D7%91%D7%A6%D7%95%D7%95%D7%AA%D7%99-%D7%95%D7%A8%D7%9B%D7%91%D7%99-%D7%94%D7%A6%D7%9C%D7%94-%D7%91%D7%A8%D7%A6%D7%95%D7%A2%D7%AA-%D7%A2%D7%96%D7%94/.

[88] See above, para. 39.

[89] https://www.youtube.com/watch?v=XfRgs3u72a0.

submitted a request to the Israeli government to obtain the full report, but it has not received any response to date.

**iii. Analysis and conclusion**

45. The Commission reiterates its findings that (i) the Israeli security forces had intentionally killed Palestinian civilians in Gaza by using wide-impact munitions that caused high numbers of deaths and (ii) the actions were conducted with the knowledge that they would cause the deaths of Palestinian civilians.[90] In its previous report, the Commission found that the conduct of the Israeli security forces constitutes the war crime of wilful killing where the attacks led to the deaths of Palestinian civilians.[91] Having concluded in its previous reports that the crime against humanity of murder and the war crime of wilful killing have been committed,[92] the Commission analysed the scale of the killings and concluded that the killings of Palestinian civilians were conducted in a large-scale manner over a significant period of time and widespread geographical area. The victims of the bombing were not singled out or targeted as individual civilians.[93] On the contrary, victims were targeted collectively due to their identity as Palestinians. The Commission therefore concluded that the Israeli authorities have committed the crime against humanity of extermination in the Gaza Strip by killing Palestinian civilians.[94] While the number of victims is not relevant for an act to constitute an act of genocide, the Commission notes that the number of victims may be taken into consideration to establish genocidal intent, discussed below.

46. In its previous report the Commission has found that the Israeli security forces intended to target and attack Palestinian civilians, including children, women, persons with disabilities and older persons, during their evacuation, within the designated safe zones and in shelters.[95] Specifically in relation to children, the Commission found, that it was foreseeable on many occasions that civilians, including children, would be present in the area targeted by the Israeli security forces (for example, in residential buildings, UNRWA schools, medical facilities and within designated safe zones) and that the Israeli security forces intended to target Palestinian civilians in Gaza, including children.[96]

47. The Commission has found in previous reports that Israeli security forces have deliberately targeted and killed Palestinian medical personnel and aid workers in Gaza.[97] Additionally, the Commission finds that the Israeli security forces intentionally shot at the first responders on 23 March 2025 and, due to the extensive duration of the gunfire, it is reasonable to find that the Israeli security forces had intended to kill the victims and knew that the victims were Palestinians.

48. Based on the above, the Commission finds that the Israeli security forces were aware that their military operations since 7 October 2023 would cause the deaths of Palestinians in Gaza. Furthermore, considering the duration of the military operations and reports of high numbers of deaths, it is reasonable to find that the Israeli authorities knew of the high numbers of casualties in Gaza since 7 October 2023. Nevertheless, Israeli authorities did not intervene to change the means and methods of warfare employed; on the contrary, the military operations persisted over time and caused even more Palestinian deaths. The Commission therefore finds that the Israeli authorities intended to kill as many Palestinians as possible through its military operations in Gaza since 7 October 2023 and knew that the means and methods of warfare employed would cause mass deaths of Palestinians, including children. The Commission also notes that deaths were a result of the deliberate

[90] A/HRC/56/CRP.4, para. 462.
[91] A/HRC/56/CRP.4, paras. 420 and 429.
[92] A/HRC/56/26; A/HRC/56/CRP.4; A/79/232; A/HRC/58/CRP.6; A/HRC/59/26.
[93] A/HRC/56/CRP.4, para. 463.
[94] A/79/232, para. 94.
[95] A/HRC/56/CRP.4, para. 427.
[96] A/HRC/56/CRP.4, para. 434.
[97] A/HRC/56/CRP.4; A/79/232; A/HRC/58/CRP.6.

infliction of conditions of life in Gaza calculated to bring about the destruction of the Palestinians in Gaza, especially the blocking of medicine, medical equipment, food and water from entering Gaza. The Commission finds that Israeli authorities knew that blocking the entry of humanitarian aid into Gaza would lead to the deaths of Palestinians in Gaza. Based on the abovementioned reasons, the Commission concludes that the Israeli authorities intended to kill and cause the deaths of the Palestinians in Gaza through the military operations and war strategies employed.

49. The Commission finds that the killing of Palestinians since 7 October 2023 occurred mainly through three different means: (i) killing through attacks against protected objects (such as civilian homes and healthcare facilities) where civilians were present; (ii) targeting civilians and other protected persons, for example, during the evacuations, within safe zones or at shelters; and (iii) deaths due to the deliberate infliction of conditions of life (such as the blockade of medicine and medical equipment and humanitarian aid from entering into Gaza).

50. As such, the Commission concludes that the *actus reus* and *mens rea* of 'killing members of the group' under article II(a) of the Genocide Convention are established.

## B. Causing serious bodily or mental harm to members of the group

### i. Legal framework

51. This act covers two types of harm that may be inflicted on an individual, namely, bodily harm that involves some form of serious physical injury, and mental harm that involves some form of serious impairment of mental faculties,[98] "such as the infliction of strong fear or terror, intimidation or threat."[99] The nature of the bodily or mental harm must attain a certain degree of seriousness as to contribute to or threaten the physical or biological destruction of the group, in whole or in part.[100] Rape and other forms of sexual violence, for example, constitute one of the worst ways of inflicting serious physical and mental harm on the victim.[101]

52. In relation to the *actus reus,* the Commission notes that the harm inflicted need not be permanent or irremediable.[102] The term 'causing serious bodily harm' means that such act falls short of killing but seriously damages health, disfigures or causes serious injury to the external or internal organs or senses.[103] Examples of acts that cause serious bodily or mental harm include torture and inhumane or degrading treatment.[104] Furthermore, forced displacement, fear and uncertainty concerning the fate of victims and financial and emotional difficulties may lead to serious mental harm.[105] Serious mental harm means some form of "impairment of mental faculties

[98] ILC, *Draft Code of Crimes against the Peace and Security of Mankind, with commentaries,* 1996, art. 17, para. 14.

[99] ICTR, *Prosecutor v. Athanase Seromba,* ICTR-2001-66-A, Judgement (Appeals Chamber), 12 March 2008, para. 46.

[100] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 157; ILC, *Draft Code of Crimes against the Peace and Security of Mankind, with commentaries,* 1996, art. 17, para. 14; ICTR, *Prosecutor v. Athanase Seromba,* ICTR-2001-66-A, Judgement (Appeals Chamber), 12 March 2008, para. 46. See also ICTY, *Prosecutor v. Momčilo Krajišnik,* IT-00-39-T, Judgement, 27 September 2006, para. 862; ICTR, *Prosecutor v. Juvénal Kajelijeli,* ICTR-98-44A-T, Judgment and Sentence, 1 December 2003, para. 814.

[101] ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 731.

[102] ICTR, *Prosecutor v. Mikaeli Muhimana*, ICTR-95-1B-T, Judgement, 28 April 2005, para. 502; Prosecutor v. Jean-Paul Akayesu, ICTR-96-4-T, Judgement, 2 September 1998, para. 502.

[103] ICTR, *Prosecutor v. Édouard Karemera et al.,* ICTR-98-44-T, Judgement and Sentence, 2 February 2012, para. 1609.

[104] ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 504.

[105] ICTY, *Prosecutor v. Zdravko Tolimir,* IT-05-88/2-A, Judgement (Appeals Chamber), 8 April 2015, paras. 208-209.

or harm that causes serious injury to the mental state of the victim."[106] In relation to the *mens rea,* it must be established that the perpetrator inflicted the harm intentionally.[107]

### ii. Summary of factual findings

53. The Commission reported that, in May 2024, the number of Palestinians who were physically injured in Gaza was estimated at 77,908.[108] As of 30 July 2025, the number of persons injured according to OCHA stands at 146,269.[109] According to the WHO in July 2024, it was reasonable to estimate between 3,105 and 4,050 limb amputations between January and May 2024.[110] According to UNICEF, at least 609 children were injured in two weeks after the ceasefire broke down, between 18 and 31 March 2025, bringing the total of children injured since 7 October 2023 to 34,000, as of 31 March 2025.[111] In June 2024, the Commissioner General of UNRWA stated that 10 children lost one or both legs in the war every day[112] and, in October 2024, an OCHA representative reported that "Gaza is home to the largest cohort of child amputees in modern history".[113] In a statement given to Anadolu Agency in January 2025, the head of the Health Information Unit at the Health Ministry in Gaza reportedly stated that they have recorded "4,500 amputation cases by the end of 2024, as a result of the continuous Israeli airstrikes and ground attacks on Gaza" since October 2023, of whom an estimated 800 were children, and 540 were women.[114]

#### *a. Serious harm suffered as a result of environmental destruction*

54. The Commission notes the environmental destruction in Gaza since 7 October 2023. On 13 December 2024, UNOSAT reported that it had "identified 60,368 destroyed structures, 20,050 severely damaged structures, 56,292 moderately damaged structures, and 34,102 possibly damaged structures for a total of 170,812 structures."[115] The United Nations Environment Programme ("UNEP") estimated a total of 50,773,494 tonnes of debris in Gaza as of 1 December 2024, which would take approximately 21 years to completely dispose of (using 105 trucks).[116] Toxic remnants of deadly explosions released into the environment, including hazardous heat and chemical reactions, pose long-term threats for generations.[117] Furthermore, a Palestinian environmental expert in August 2024 told Al-Mezan, "Smoke and ash from the destruction of homes and other infrastructure, combined with particles from cement, severely damage the respiratory health of Palestinians in Gaza. These fine particles settle in the lungs, increasing the risk of long-term health problems such as lung cancer, and exacerbating conditions in individuals with weakened immune

106 ICTR, *Prosecutor v. Mikaeli Muhimana,* ICTR-95-1B-T, Judgement, 28 April 2005, para. 502.
107 ICTR, *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1, Judgement, 21 May 1999, para. 112.
108 https://t.me/MOHMediaGaza/5401l; A/HRC/56/CRP.4, para. 49.
109 https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-30-july-2025.
110 https://www.emro.who.int/images/stories/palestine/Rehab-injury-estimate-Gaza.pdf?ua=1.
111 https://www.unicef.org/press-releases/least-322-children-reportedly-killed-gaza-strip-following-breakdown-ceasefire.
112 https://media.un.org/unifeed/en/asset/d322/d3225657.
113 https://www.un.org/unispal/document/lisa-doughten-ocha-briefing-sc-9744th-meeting-09oct24/.
114 https://www.aa.com.tr/en/middle-east/4-500-amputations-reported-in-gaza-amid-israeli-war-health-official/3447324; https://www.aa.com.tr/ar/%D8%A5%D8%B3%D8%B1%D8%A7%D8%A6%D9%8A%D9%84/%D9%85%D8%B3%D8%A4%D9%88%D9%84-%D8%B5%D8%AD%D9%8A-%D8%A8%D8%BA%D8%B2%D8%A9-%D8%B3%D8%AC%D9%84%D9%86%D8%A7-4500-%D8%AD%D8%A7%D9%84%D8%A9-%D8%A8%D8%AA%D8%B1-%D9%85%D9%86%D8%B0-%D8%A8%D8%AF%D8%A1-%D8%A7%D9%84%D8%A5%D8%A8%D8%A7%D8%AF%D8%A9-%D8%A7%D9%84%D8%A5%D8%B3%D8%B1%D8%A7%D8%A6%D9%8A%D9%84%D9%8A%D8%A9/3446865.
115 https://unosat.org/products/4047.
116 https://wedocs.unep.org/handle/20.500.11822/46833.
117 A/HRC/56/CRP.4, para. 53.

systems, especially those suffering from asthma."[118] This is consistent with the assessment of UNEP that "[d]ebris poses risks to human health and the environment, from dust and contamination with unexploded ordnance, asbestos, industrial and medical waste, and other hazardous substances."[119] The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories raised its concerns in September 2024 on the immediate as well as the lasting and widespread impact of the contamination caused by the debris from the destruction of buildings and structures in Gaza.[120]

***b. Serious harm suffered as a result of attacks against civilians and civilian structures***

55. The Commission previously noted that the Israeli security forces had expanded their targeting systems to cause more widespread damage at the expense of civilians.[121] Attacks on residential buildings have resulted in significant life-altering physical, emotional and cognitive harm for affected children, many of whom had to be pulled from the rubble with various degrees of injuries.[122] According to the WHO, between 7 October 2023 and 11 June 2025, Israel carried out 735 attacks that interfered with health services, personnel, and facilities, killing 917 people and injuring 1,411 others.[123] Besides killing in large numbers, the Israeli security forces' use of lethal weapons and ammunitions has resulted in long-term debilitating physical injuries, including loss of limbs, traumatic brain injuries and damaged internal organs. The consequences of such severe injuries have been compounded by the lack of functioning health infrastructure.[124]

56. Medical professionals told the Commission that they have treated children with direct gunshot and sniper wounds, indicating that the Israeli security forces have intentionally targeted children during their military operations in Gaza. According to UNICEF, around 1,000 children had had one or more limbs amputated by the end of November 2023.[125] Some of these amputations were performed without anaesthesia.[126] For example, the Commission received reports of a 14-year-old girl whose house was bombed, which led to the amputation of her hand.[127] The Commission documented the case of a three-year-old boy who lost both legs as a result of an attack on an UNRWA school in November 2023.[128] Save the Children reported that the use of explosive weapons in Gaza caused an average of 475 children each month in 2024 to have lifelong disabilities, including severely injured limbs, and impairments.[129] A doctor in the Gaza Strip told the Commission that, from the very beginning of the hostilities, fifty percent of the patients on his operating list were children. He described the long-term effects of the injuries affecting children, stating that a child amputee will need between eight and twelve surgeries before reaching adulthood to allow for their growth.[130]

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118 https://mezan.org/uploads/files/2024/10/1729068986Al%20Mezan%20-%20Ecocide%20Report%202024.pdf.

119 https://www.unep.org/news-and-stories/press-release/damage-gaza-causing-new-risks-human-health-and-long-term-recovery#:~:text=Munitions%20containing%20heavy%20metals%20and,especially%20serious%20risks%20to%20children.

120 https://docs.un.org/en/A/79/363, para. 34.

121 A/HRC/56/CRP.4, para. 156.

122 A/HRC/56/CRP.4, para. 402.

123 https://www.emro.who.int/images/stories/palestine/Sitrep_61.pdf.

124 A/HRC/56/CRP.4, para. 53.

125 https://www.ungeneva.org/en/news-media/bi-weekly-briefing/2023/12/press-briefing-united-nations-information-service.

126 https://reliefweb.int/report/occupied-palestinian-territory/gaza-more-10-children-day-lose-limb-three-months-brutal-conflict.

127 A/HRC/56/CRP.4, para. 404.

128 A/HRC/56/CRP.4, para. 403.

129 https://www.savethechildren.net/news/gaza-explosive-weapons-left-15-children-day-potentially-lifelong-disabilities-2024

130 A/HRC/56/CRP.4, para. 405.

57. The Commission has investigated and reported on the destruction of the Al-Basma in vitro fertilisation ("IVF") clinic in December 2023, and around 4,000 embryos and 1,000 sperm samples and unfertilised eggs that were stored in the clinic.[131] An expert physician on reproductive medicine provided her testimony to the Commission on the impact on women and men who had lost reproductive material such as eggs, sperm or embryos in the attack on the IVF clinic. According to the expert, IVF is a complex and physically demanding process which is normally time-consuming. In relation to the short-term impact, the loss of reproductive tissues was profound, as many patients typically would have been trying to conceive for several years before consulting a fertility physician and many would have sacrificed everything to fund their treatment or treatments. Furthermore, for many patients, IVF would have been their last resort to conceive, due to advancing age or health conditions. In relation to the psychological impact, the expert told the Commission that "patients with infertility experience anxiety and depression. They also experience post-traumatic stress disorder after infertility or with reproductive loss", especially when it occurs in the context of broader societal trauma, such as that in Gaza. The expert added, "The compounded stress of personal loss amidst widespread community devastation deepens these emotional scars and leaves many without the support systems that they so desperately need." In relation to the long-term impact, the expert testified that the loss of the reproductive tissues may be seen as a direct violation of the patients' reproductive rights. For many, the loss of embryos or reproductive material is often experienced as the loss of a potential child and carries with it the same depth of grief, which often leads to "deep existential and moral dilemmas".

#### *c. Serious harm suffered during and as a result of the evacuation process and expansion of the buffer zone*

58. In a previous report, the Commission has detailed its findings on the evacuation and transfer of the population in Gaza, and the attacks by Israeli security forces on the Palestinian population during the evacuation process.[132] Additionally, the Commission has also highlighted the Israeli authorities' call for "migration" or "voluntary migration" of Palestinians from the Gaza Strip, with some explicitly calling for their forced displacement.[133] The Commission notes that the Israeli military operation has resulted in more than 1.9 million people being displaced from October 2023 to 25 June 2025 in Gaza.[134] Reportedly, Palestinians in Gaza were displaced on average at least six times, while some were displaced up to 19 times between October 2023 and October 2024.[135] As a result of the Israeli security forces' military operations, Palestinians in Gaza have been living in overcrowded conditions and facing acute food and water insecurity and limited access to sanitation and health facilities.[136] In its previous report, the Commission has found that the Israeli security forces had clear knowledge of the presence of civilians within areas or buildings that were designated as safe areas but nevertheless proceeded to launch their attacks.[137]

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131 A-HRC-58-CRP-6. See further below, *'Imposing measures intended to prevent births within the group'*.

132 A/HRC/56/CRP.4, paras. 92-115, 120-127.

133 A/HRC/56/CRP.4, paras. 137-144.

134 https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip-and-west-bank-including-east-jerusalem#:~:text=According%20to%20the%20UN%2C%20at,some%2010%20times%20or%20more.

135 https://reliefweb.int/report/occupied-palestinian-territory/suffering-design-human-cost-repeated-displacement-gaza?_gl=1*1nt9qkd*_ga*MjA3ODY1NDczOC4xNzQxMDE0NTA2*_ga_E60ZNX2F68*MTc0MTAxOTIxOC4yLjEuMTc0MTAxOTYzNS41NS4wLjA; https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-257-gaza-strip; https://www.ochaopt.org/content/one-year-unimaginable-suffering-7-october-attack.

136 A/HRC/56/CRP.4, para. 256.

137 A/HRC/56/CRP.4, para. 147.

59. The Commission has heard from a witness who saw Palestinians separated from their families during evacuations and brought behind a hill. According to the witness, the soldiers would then fire gunshots out of sight of the family members, making the victims' family members believe that the victims had been executed and so causing them great distress. Furthermore, a witness informed the Commission that many victims had been severely traumatised when the Israeli security forces shot in the air around the evacuees, making them fear that they were going to be killed. Another witness told the Commission, "We are living without dignity."[138]

60. In relation to the expansion of the buffer zone in Gaza, the Commission notes the following: Israeli security forces have created five corridors which have effectively partitioned Gaza. As of 20 July 2025, Israel has acknowledged the existence of four of these corridors: Philadelphi, Morag, Netzarim and Magen-Oz. The Commission has verified the creation of one additional corridor crossing Jabalia. As of 20 July 2025, the five corridors, combined with an expanded border buffer zone and newly designated 'security zones' cover 278 square kilometres or around 75 percent of the Strip. Palestinians are prohibited in these areas. The Commission has found that the destruction of civilian objects for the purpose of expanding the buffer zone and corridors was part of a widespread and systematic attack directed against the civilian population in Gaza since 7 October 2023 which also forcibly displaced Palestinians in Gaza from their homes.

61. The Commission notes a report from Breaking the Silence,[139] an organisation of veteran soldiers who have served in the Israeli military, in which several Israeli security forces personnel involved with the military operations along the buffer zone were interviewed. A captain stationed in southern Gaza said that there was a 'massive' use of firepower like tanks to instil a psychological effect on the Palestinians near the buffer zone.[140] He told Breaking the Silence, "We decided on a line which is the borderline, past which everyone is a suspect." There were no markings to indicate the border and, according to the captain, "How they know is a really good question. Enough people died or got injured crossing that line, so they don't go near it."[141] A warrant officer stationed in northern Gaza told Breaking the Silence, "People were incriminated for having bags in their hands. Guy showed up with a bag? Incriminated, terrorist. I believe they came to pick hubeiza, but the army says 'No, they're hiding.' Boom (shells were fired in their direction). That's considered a miss. They were supposed to shoot (hit) them." He added that, despite being shot at, Palestinians kept returning to the area because they were hungry, so they had to go there to pick hubeiza (mallow).[142]

***d. Serious harm caused by severe mistreatment***

62. In relation to the treatment of detained Palestinians, the Commission documented many instances where Palestinian detainees were severely mistreated during their detention. Between 7 October 2023 and July 2024, according to Israeli authorities, Israel arrested more than 4,500 Palestinians in Gaza, many of whom were transferred to facilities in Israel for interrogation.[143] The Commission received numerous reports of detainees being stripped, transported naked, blindfolded, kicked, beaten, sexually assaulted and subjected to death threats.[144] One released detainee told the Commission that he had been threatened by an Israeli soldier: "I will kill you and can make you

138 A/HRC/56/CRP.4, para. 265.

139 https://www.breakingthesilence.org.il/.

140 https://www.breakingthesilence.org.il/inside/wp-content/uploads/2025/04/Perimeter_English-2.pdf, p. 27.

141 https://www.breakingthesilence.org.il/inside/wp-content/uploads/2025/04/Perimeter_English-2.pdf, p. 28.

142 https://www.breakingthesilence.org.il/inside/wp-content/uploads/2025/04/Perimeter_English-2.pdf, p. 30.

143 Israeli Government submission in HCJ 4268/24, *ACRI v Minister of Defence* (5 August 2024) paras. 8-9), available at https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b_f32f5ef6555f45d8b5a9659cc44383fc.pdf

144 A/79/232, para. 48.

disappear. You will not see the sun, and nobody will know where you are." Another released detainee told the Commission that detainees had been badly beaten during the journey between military and Israel Prison Service facilities. He noted that one detainee had been punched in the jaw so hard that several of his teeth had been broken.[145]

63. The Commission received and verified information of widespread and institutionalised mistreatment of detainees from Gaza, including boys, in the Sde Teiman military detention centre, where all detainees from Gaza have initially been held since 8 October 2023. Detainees had been blindfolded and handcuffed by Israeli security forces personnel at all times, confined to large and overcrowded makeshift cells, kept naked or near naked for days at a time and forced to kneel in stress positions for hours, while also being prohibited from speaking. They had been denied adequate access to toilets and showers, and many had been forced to wear diapers. They had been subjected to beatings, including with batons and wooden sticks, even while immobilised, and intimidation and attacks by dogs.[146] Many detainees had been bound to a screw placed high on a wall for hours, while blindfolded and suspended with their feet touching or barely touching the ground ("shabah"). In one case, a detainee had been left in that position for five to six hours as interrogators repeatedly subjected him to extreme changes in temperatures, using a strong fan and a heat lamp in alternation. The Commission also received reports of electric shock devices being used against detainees.[147] Notably, on 16 October 2023, Israeli Minister of National Security Ben-Gvir ordered significant additional restrictions in Israel Prison Service facilities against Palestinian detainees, including food allowances.[148]

64. The Commission has concluded in a previous report that the Israeli security forces had severely mistreated detained children and caused serious physical injuries and mental suffering. Detained children had been subjected to extreme violence during arrest, detention, interrogation and release.[149] In Sde Teiman, children had been held with adults and subjected to similar mistreatment. A 15-year-old boy detained at Sde Teiman facility told the Commission that his legs had been shackled with metal chains and his hands cuffed so tightly that they had bled, yet he did not receive any medical attention. He had been repeatedly punished by being forced to stand with his hands raised for hours. He described his 23 days of detention as "the worst days of my life". A 13-year-old boy told the Commission that dogs had been used against him during interrogations and that he had been placed in solitary confinement.[150] Notably, released children have shown signs of serious physical injury, extreme psychological distress and trauma.[151]

***e. Serious harm caused by sexual and gender-based violence***

65. The Commission has detailed in its previous reports on Israel's systematic use of sexual and gender-based violence.[152]

66. The Commission documented more than 20 cases of sexual and gender-based violence against male and female detainees in more than 10 military and Israel Prison Service facilities. Sexual violence was used as a means of punishment and intimidation from the moment of arrest and throughout detention, including during interrogations and searches.[153] Several male detainees reported that Israeli security forces personnel had beaten, kicked, pulled or squeezed their genitals, often while the detainees were naked. One detainee stated that he had been forced to strip and ordered to kiss the Israeli flag. When he refused, he had been beaten, and his genitals

145 A/79/232, para. 49.
146 A/79/232, para. 51.
147 A/79/232, para. 52.
148 A/79/232, para. 56.
149 A/79/232, para. 59.
150 A/79/232, para. 60.
151 A/79/232, para. 106.
152 A/HRC/58/CRP.6, para. 78 et seq.; A/79/232, para. 62 et seq.
153 A/79/232, para. 62.

had been kicked so severely that he had vomited and lost consciousness.[154] The Commission also received credible information concerning many cases of rape and sexual assault, including the use of an electrical probe to cause burns to the anus and the insertion of objects, such as sticks, broomsticks and vegetables, into the anus of detainees.[155]

67. The Commission notes that female detainees were subjected to sexual assault and harassment in military and Israel Prison Service facilities, as well as threats to their lives and threats of rape. The sexual harassment included attempts to kiss and touch their breasts. They reported repeated, prolonged and invasive strip-searches, both before and after interrogations. Women were beaten and harassed and had sexual insults directed at them.[156] Female detainees were photographed without their consent and in degrading circumstances, including in their underwear in front of male soldiers, and these photographs were often posted on social media.[157]

68. On 11 March 2025, the Commission heard the testimony of a witness who has interviewed Palestinian victims of sexual violence in Gaza. According to the witness, female victims of sexual violence have been subjected to dire living conditions, including starvation, demolished homes and consequences of family members who have been killed, suppressing their trauma from the sexual violence as they continued to struggle to survive. While the mental harm from sexual violence became secondary trauma, it was nevertheless present and persistent. According to a lawyer who interviewed detainees who had been subjected to severe mistreatment and sexual violence by Israeli soldiers, male victims also suffered from continuing long-term effects even after their release from detention, as they continued to face starvation and dire living conditions in Gaza, all of which would have an additional adverse impact on the mental harm suffered. The Commission has detailed its findings on the impact of Israeli security forces' military operations on women and girls in Gaza.[158] The Commission has found, for example, that Israeli security forces targeted women and girls following the Israeli security forces' expansion of their targeting criteria.[159]

69. The Commission has also found in a previous report that the Israeli security forces had intentionally and systematically attacked and destroyed reproductive and maternal health facilities across Gaza, including maternity hospitals and maternity wings of hospitals. The direct attacks on reproductive and maternal health in Gaza have resulted in killings and caused serious bodily and mental harm to Palestinian women and girls.[160]

70. Notably, the Israeli security forces also sexually harassed and publicly shamed Palestinian women. For example, some Palestinian women were forced to strip to their underwear and remove their veils in public and in front of the community.[161] The Commission has found that Israeli security forces have deliberately humiliated and mocked Palestinian women based on their gender and ethnicity. The evidence analysed by the Commission showed a clear gender and racial bias by the perpetrators, who intentionally target Palestinian women and attempt to humiliate and degrade them publicly. Moreover, from the perspective of Palestinian culture, sexual harassment and public shaming of women are potentially extremely harmful, carrying serious implications for the women whose privacy is publicly exposed.[162] Additionally, female Palestinian detainees were severely mistreated and humiliated during their detention. The Commission has reported that

[154] A/79/232, para. 64.
[155] A/79/232, para. 65.
[156] A/79/232, para. 67.
[157] See A/HRC/56/CRP.4, paras. 381 and 383.
[158] A/HRC/58/CRP.6.
[159] A/HRC/58/CRP.6, paras. 29-35.
[160] A/HRC/58/CRP.6, paras. 39-46, and 176.
[161] A/HRC/58/CRP.6, para. 182.
[162] A/HRC/58/CRP.6, paras. 82-85.

female detainees were "subjected to repeated, prolonged and invasive strip searches, both before and after interrogations. One woman was strip searched in her cell every three hours during her four-day detention, the guards forcing her to remove all her clothes even though she was menstruating. Women were forced to remove all clothes, including the veil, in front of male and female soldiers. They were beaten and harassed while called "ugly" and subjected to sexual insults, such as "bitch" and "whore", directed at them.[163]

71. Generally, the hostilities have had a detrimental psychological impact on pregnant, post-partum and lactating women and other women of reproductive age because of direct exposure to armed conflict and owing to displacement, famine and substandard healthcare. Obstetric emergencies and premature births have reportedly surged because of stress and trauma.[164] An increase in miscarriages of up to three hundred percent has been reported since 7 October 2023.[165] According to a UN Women report in September 2024, the current war in Gaza has taken "a tremendous toll on mental health. Of 305 women surveyed, 75 per cent said they regularly feel depressed, 62 per cent often are not able to sleep and 65 per cent frequently feel nervous and have nightmares."[166]

**iii. Analysis and conclusion**

72. The Commission highlights the serious physical and mental harm suffered by Palestinians in Gaza as a result of Israeli security forces military operations since 7 October 2023: as of 30 July 2025, the number of reported persons injured stands at 146,269.[167] Many victims suffer from long term physical harm, including loss of limbs. These physical injuries were compounded by the lack of – and at times, complete inability to access – medical care, as healthcare facilities were non-functional or only partially functional due both to Israel's concerted policy to destroy the healthcare system of Gaza and to Israel's total siege of Gaza and blockade of humanitarian aid. Furthermore, the Commission found in a previous report that the severe mistreatment of detainees constitutes the war crimes of inhuman treatment and outrages upon personal dignity and the crime against humanity of other inhumane acts. In some cases, such acts amount to the war crime and crime against humanity of torture.[168]

73. The harm the Commission has found constitutes serious harm under international law. The Commission emphasises that the Israeli security forces committed torture, rape and other forms of sexual violence and cruel, inhuman and degrading treatment against Palestinian detainees and that has resulted in severe bodily and mental harm to the victims.[169]

74. The Commission also highlights that, since 7 October 2023, Palestinians, especially children, who either lost family members due to Israeli security forces attacks or who were separated from their families, experienced profound emotional trauma, compounded by the uncertainty of their own fate, due to the Israeli security forces' continuing military operations. Furthermore, the Commission finds that, due to the uncertainty of their future, Palestinians in Gaza, especially those who have been forcibly transferred and are unable to return home, have suffered long-term harm and are unable to lead a "normal and constructive life."[170]

163 A/HRC/58/CRP.6, para. 125.
164 A/79/232, para. 34.
165 A/79/232, para. 34.
166 https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/09/gender-alert-gaza-a-war-on-womens-health/gender-alert-gaza-a-war-on-womens-health-en.pdf
167 https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-30-july-2025.
168 A/79/232, para. 109.
169 See, for example, ICTY, *Prosecutor v. Radislav Krstić, IT-98-33-T,* Judgement, 2 August 2001, para. 635.
170 For example, ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 5664; *Prosecutor v. Zdravko Tolimir, IT-05-88/2-A,* Judgement (Appeals Chamber), 8 April 2015, para. 211.

75. In addition to serious bodily harm, the Commission finds that many Palestinians have suffered serious mental harm. Some have expressly informed the Commission of such mental harm. For example, many Palestinians were forced to evacuate multiple times, moving from the north of Gaza to the centre and then further and further south each time. Each evacuation increased the insecurity of the evacuees and added to their trauma. The evacuees faced repeated searches for somewhere to stay, for food and water, for medical care if they were sick or injured and they faced constant fears for their safety.[171] Medical practitioners told the Commission that most children who had been evacuated had exhibited increased symptoms of post-traumatic stress, such as nightmares, flashbacks and sudden screaming in fear.[172] According to Save the Children, factors that have caused severe mental harm on children include, but are not limited to, (i) the scale, conduct and duration of the hostilities; (ii) the forcible displacement; and (iii) the denial of essentials necessary for survival.[173] All these factors are cumulative: "the more risk factors children face, the greater the likelihood of poor and lasting mental outcomes."[174] Considering the unprecedented military operations in Gaza since 7 October 2023 and the scale and duration of the Israeli military campaign, the Commission finds that the Israeli security forces have directly caused and will continue to cause Palestinians in Gaza, including children, long-term severe mental harm, including anxiety, severe emotional distress and trauma, which is compounded by the feeling of helplessness and their inability to return to their homes. The Commission finds that the military tactics employed, such as the severe mistreatment of Palestinian detainees and the atmosphere created during the evacuation process and establishment of the buffer zone and corridors, was intended to inflict immediate and long-term mental trauma on the Palestinians.

76. While forcible transfer is not considered a genocidal act in itself, it has caused serious and irreparable physical and mental harm to Palestinians in Gaza who have lost their homes and have been forced to live in inhumane conditions.[175] Similarly, the Commission highlights the Israeli security forces' deliberate destruction to the environment in Gaza through their military operations which has damaged the respiratory health of Palestinians in Gaza, increasing the risk of long-term health problems such as lung cancer due to the contamination caused by the debris from the large-scale destruction of buildings and other structures in Gaza.

77. The Commission finds that the Israeli security forces have intentionally created an atmosphere of panic and terror and instilled extreme fear in the Palestinians in Gaza since 7 October 2023. Palestinians have been forced to evacuate their homes and have been attacked while they attempted to evacuate, and many have lost family members who were killed by the Israeli security forces. Importantly, the Commission notes that many Palestinians, especially women, who are the main caregivers, have suffered serious mental harm when their spouse or children were killed or were missing. The 'unique nature' of this type of suffering has been recognised to have caused mental anguish, which was compounded by their inability to return to their homes[176] and by the continued attacks during their evacuation. The conduct of openly and directly targeting Palestinians is consistent with Israeli security forces military operations along the expanded buffer zone and corridors, where Palestinians have been injured, if not killed, or targeted by the Israeli security forces without justification. The Commission finds that the military operations along the expanded buffer zone and corridors in Gaza have caused and continue to cause serious bodily and mental harm to the Palestinians who ventured close to or into the area that, tellingly, was not marked.

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171 A/HRC/56/CRP.4, para. 100.

172 A/HRC/56/CRP.4, para. 411.

173 https://resourcecentre.savethechildren.net/pdf/Trapped-and-Scarred-Final-1-1.pdf.

174 https://resourcecentre.savethechildren.net/pdf/Trapped-and-Scarred-Final-1-1.pdf, p. 14.

175 See e.g., ICTY, *Prosecutor v. Radislav Krstić, IT-98-33-T,* Judgement, 2 August 2001, para. 635.

176 See e.g., ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 5664.

78. The Commission concludes that Palestinians who were physically and mentally harmed by the Israeli security forces' military operations will continue to suffer from long-term harm of such a serious nature that they will no longer be able to lead a normal and constructive life. For example, in relation to Palestinian children, in June 2024, UNICEF stated that "almost all of Gaza's 1.2 million children need mental health and psychosocial support", especially those who were exposed to repeated traumatic events, maimed, have lost parents and close family members, and children with disabilities.[177] According to a report published by War Child in November 2024, almost half of 504 surveyed caregivers stated that their children think they (the children) would die during the current war, and other children have expressed their wish to die.[178] Many Palestinians from Gaza told the Commission that they live in extreme and constant fear for their safety since 7 October 2023. Some of them said that their children could not think of anything but ways to survive from being attacked daily. This is a reasonable and clear result, considering since 7 October 2023 many Palestinians in Gaza (i) were directly injured through the Israeli security forces' military operations and suffered severe mistreatment during detention; (ii) lost family members who were killed by the Israeli security forces; (iii) lost their homes due to the Israeli security forces bombardment; (iv) were forcibly transferred; and (v) lost their livelihood. The Commission concludes that the constant fear and feeling of helplessness contribute to the severe mental harm suffered by Palestinians in Gaza, including women and children, impacting their ability to lead normal, constructive lives.

79. The Commission finds that the Israeli targeting and destruction of sexual and reproductive healthcare infrastructure constitutes reproductive violence which has resulted in serious physical and mental harm to pregnant, post-partum and lactating women, who remain at high risk of death and injury. The Israeli attacks on reproductive and maternal health in Gaza have caused serious bodily and mental harm to Palestinian women and girls that is of an unprecedented scale, and women and girls continue to face gender-specific harms related to pregnancy and lactation, maintaining menstrual hygiene and dignity, and the consequences of bearing the main responsibilities to care for young children in unthinkable circumstances. The Commission also concludes that intentional destruction of Palestinians reproductive specimens caused by the Israeli attack on the Al-Basma IVF clinic resulted in severe short- and long-term mental harm, including grief and post-traumatic stress disorder, compounded by the widespread societal trauma in Gaza.[179]

80. The Commission finds that sexual and gender-based violence has been widespread and systematic, perpetrated in different forms since 7 October 2023 when committed against male and female members of the Palestinian group; these acts have resulted in gender-specific harms. The Commission particularly notes that the act of forcing women to strip and remove their veils in public and in front of the community has a particular and severe negative psychological impact on Palestinian women living in a society with strict religious and cultural dress codes. Palestinian women were also particularly targeted in terms of sexual harassment online and psychological violence. Men and boys have been photographed and filmed in humiliating and degrading circumstances while subjected to acts of a sexual nature, including sexual assault and rape. Whether targeting women, men, boys or girls, sexual violence was conducted not just to degrade and humiliate profoundly the direct victims but to punish the Palestinian group as a whole. The acts of sexual nature were committed by force, threat of force or coercion, causing severe and extreme psychological harm to the victims, even where there was no element of physical contact. Furthermore, the Commission also concludes that victims of sexual

[177] https://reliefweb.int/report/occupied-palestinian-territory/humanitarian-action-children-2024-state-palestine-revision-3-june-2024. See also https://www.unicef.org/appeals/state-of-palestine#download.

[178] https://www.warchild.org.uk/sites/default/files/2024-12/CTCCM_Gaza_Needs_Assessment_Report_2024_WCUK.pdf, p. 20.

[179] A/HRC/58/CRP.6, paras. 171, 175, 176 and 219.

violence have suffered from direct mental harm from the sexual violence, and that such harm was amplified by the dire living conditions, starvation, demolished homes and family members who were killed, consequently increasing the severity of the mental harm suffered.

81. Considering the evidence in totality, the Commission finds that the Israeli security forces have intentionally inflicted serious bodily and mental harm on the Palestinians in Gaza.[180] Given the extent and duration of military operations, the foreseeable harm suffered by the victims, the means and methods of warfare employed, the widespread and systematic sexual and gender-based violence, and the Israeli authorities' refusal to alter the nature of its military operations despite serious warnings by international courts and other international bodies and by human rights experts and given the Commission's findings of persistent commission of war crimes, crimes against humanity and violations and abuses of human rights, it is reasonable to conclude that the harm was inflicted intentionally.

82. The Commission concludes that the *actus reus* and *mens rea* of 'causing serious bodily or mental harm to members of the group' under article II(b) of the Genocide Convention are established.

## C. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

### i. Legal framework

83. On The Commission notes that deliberately inflicting conditions of life calculated to bring about the physical destruction of a group does not mean that such action must immediately or actually lead to the death of members of the group but it must be ultimately aimed at its destruction, in whole or in part.[181]

84. Acts that may fall within this category of genocidal act include rape and sexual violence, the deprivation of food and water, reduction or destruction of required medical services and shelter, lack of hygiene and sanitation, the systematic expulsion from and destruction of homes and withholding sufficient living accommodation.[182] The time period of such deprivation must be of 'sufficient length or scale' to bring about the destruction of the group.[183] In relation to the *mens rea,* it must be established that the acts were carried out deliberately, and calculated to bring about the physical destruction of the group, as opposed to such acts causing collateral deaths. *Mens rea* can also be established through indirect evidence based on the "objective probability of these conditions leading to the physical destruction of the group in part."[184] Factors that may be taken into consideration include the "nature of

[180] For example, ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 157.

[181] ICTR, *Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-T, Judgement, 2 September 1998, para. 505; *Prosecutor v. Georges Rutaganda*, ICTR-97-20-T, Judgement, 6 December 1999, paras. 52 and 84. See also ICTR, *Prosecutor v. Clément Kayishema* et al., ICTR-95-1-T, Judgement, 21 May 1999, para. 548.

[182] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 161; ICTR, *Prosecutor v. Georges Rutaganda,* ICTR-97-20-T, Judgement, 6 December 1999, para. 52; *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-T, Judgement, 21 May 1999, para. 116; ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, paras. 546-548; *Prosecutor v. Milomir Stakić,* IT-97-24-T, Judgment, 31 July 2003, para. 517; *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 506; ICTY, *Prosecutor v. Vujadin Popović et al.,* IT-05-88-T, Judgement, 10 June 2010, para. 815; *Prosecutor v. Radoslav Brđanin,* IT-99-36-T, Judgement, 1 September 2004, paras. 913 and 923; *Prosecutor v. Milomir Stakić,* IT-97-24-T, Judgment, 31 July 2003, para. 517.

[183] ICTR, *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-T, Judgement, 21 May 1999, para. 548.

[184] ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 548 (footnote omitted).

the conditions imposed, the length of time that members of the group were subjected to them and characteristics of the targeted group like vulnerability."[185]

**ii. Summary of factual findings**

85. The Commission notes that, almost immediately after the 7 October 2023 attack in Israel, the Israeli authorities announced a 'total siege' on Gaza.[186] The Commission has stated in a previous report that the Israeli authorities have shown their intent, as early as 9 October 2023, to instrumentalise the provision of basic necessities, including food, medicine, water, fuel and electricity, to hold the entire population of the Gaza Strip hostage.[187]

86. Already in December 2023, the United Nations Office for the Coordination of Humanitarian Affairs ("OCHA") referred to the humanitarian situation in Gaza as "apocalyptic".[188] On 12 December 2023, the UN General Assembly adopted a resolution demanding an immediate "humanitarian ceasefire" and calling on all parties to the conflict to comply with their international humanitarian law obligations.[189] On 25 March 2024, the UN Security Council passed a binding resolution demanding an immediate ceasefire for the month of Ramadan.[190] The International Court of Justice issued its first order on provisional measures on 26 January 2024 in *South Africa v. Israel*; on 28 March 2024, it issued a second order on provisional measures, warning that the "catastrophic living conditions" in the Gaza Strip had deteriorated further, particularly in view of the prolonged and widespread deprivation of food and basic necessities; on 24 May 2024, it issued a third order on provisional measures, ordering that Israel immediately stop its military operations in Rafah Governorate, ensure humanitarian assistance and provide access to Gaza for UN mandated commissions of inquiry.[191] These International Court of Justice orders are binding on Israel.

***a. Destruction of structures and land essential to Palestinians***

87. The Commission reviewed photos and videos showing the widespread destruction of residential complexes and entire neighbourhoods in the Gaza Strip, including agricultural lands, public facilities, religious and cultural sites, schools, universities and hospitals. Many of these locations were damaged or destroyed by airstrikes as well as tank and artillery shells. Some were destroyed by bulldozers or controlled demolitions, rendering these areas uninhabitable.[192] A resident of Gaza City told the Commission that the Israeli security forces looted everything from his house, destroyed his cars and then burned the house. Notably, Israeli soldiers have admitted to burning homes in social media posts.[193]

88. The Commission notes that the Israeli security forces' unprecedented bombing campaign has left the northern part of the Gaza Strip and Khan Younis in the south virtually uninhabitable. Between October 2023 and April 2025, nearly seventy percent of total structural damage in the Gaza Strip occurred in the

[185] ICTY, *Prosecutor v. Vujadin Popović* et al., IT-05-88-T, Judgement, 10 June 2010, para. 816 (citing: ICTY, *Prosecutor v. Radoslav Brđanin*, IT-99-36-T, Judgement, 1 September 2004, para. 906; ICTR, *Prosecutor v. Clément Kayishema* et al., ICTR-95-1, Judgement, 21 May 1999, para. 115; *Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-T, Judgement, 2 September 1998, para. 505).

[186] A/HRC/56/CRP.4, para. 267.

[187] A/HRC/56/CRP.4, para. 268. See below, *'Stopping entry of humanitarian aid, electricity, water and fuel supplies to Gaza'.*

[188] https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-61; https://news.un.org/en/story/2024/12/1158176.

[189] A/RES/ES-10/22.

[190] S/RES/2728 (2024).

[191] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order on the Request for the Modification of the Order of 26 January 2024 Indicating Provisional Measures, 28 March 2024, para. 18.

[192] A/HRC/56/CRP.4, para. 60.

[193] A/HRC/56/CRP.4, para. 70.

governorates of Gaza, Khan Younis and North Gaza.[194] In April 2025, UNOSAT estimated a total of 258,201damaged housing units in the Gaza Strip, with Gaza Governorate recording the highest number of destroyed structures, amounting to a total of 46,964, of which 37,169 were in Gaza City alone.[195] According to a May 2025 satellite imagery analysis, UNOSAT identified 70,436 destroyed structures and 18,588 severely damaged structures in Gaza, out a total of 174,486 damaged structures.[196]

89. Civilian objects that were essential to Palestinians, such as bakeries, were also destroyed. For example, on 18 October 2023, a bakery in Nuseirat Refugee camp was destroyed as a result of a fire ignited after an airstrike. On 25 October 2023, the only bakery in Al-Maghazi refugee camp was attacked. On 15 November 2023, Al-Salam flour mill in Deir Al-Balah, reportedly the last functioning in the Gaza Strip, was hit and damaged, allegedly by Israeli security forces' artillery shelling. On 21 December 2023, the World Food Programme ("WFP") reported that 24 of its 25 contracted bakeries, providing bread for 200,000 people, had been damaged during the hostilities.[197] In November 2023, it was reported that all bakeries were inactive in the north of the Gaza Strip, due to the lack of fuel, water and wheat flour, as well as damage sustained to mills and the bakeries themselves during attacks.[198]

90. Prior to 7 October 2023, most agricultural produce came from inside the Gaza Strip. This has no longer been possible since 7 October 2023 due to the extensive destruction of agricultural fields and the restrictions imposed on access to the fields for harvesting, deliveries and transportation, due to the lack of fuel and the collapsed infrastructure, including roads, as well as the continuing conflict. Moreover, the suitability of most of these areas for agriculture has been damaged by the presence of unexploded ordinance. The damage to agricultural lands across the entire Gaza Strip, particularly in north Gaza, poses a significant long-term threat to food production and the entire food supply chain. It has already disrupted the production of essential crops, caused farmers to lose their livelihood and accelerated the severe food crisis leading to famine. In addition, fishing has been greatly impacted with food production now impossible and many families have lost their livelihood as a result of the destruction of fishing boats and movement restrictions imposed by the Israeli security forces, preventing boats from leaving the Gaza shore.[199] The Commission has noted in a previous report that Palestinians in the Gaza Strip will struggle to regain any significant measure of self-sufficiency in food production even if hostilities cease.[200]

91. Notably, as of 27 May 2025, UNESCO verified damage to 110 cultural and religious sites in Gaza since 7 October 2023: 13 religious sites, 77 buildings of historical and/or artistic interest, three depositories of movable cultural property, nine monuments, one museum and seven archaeological sites.[201] The World Bank assessed in February 2025 that fifty-three percent of heritage sites in Gaza were damaged or destroyed.[202] These included some of Gaza's most important cultural and religious landmarks, such as the Anthedon Harbor, the Roman cemetery in Gaza City, Al Pasha Palace Museum, the ancient Samaritan Bathhouse and the Great Omari Mosque. According to an investigation conducted by Bellingcat and Scripps News, by March 2024, over 150 cultural heritage and religious sites had been either damaged or destroyed, including 100 mosques and 21 cemeteries, noting that some

194 https://unosat.org/products/4130.
195 https://unosat.org/products/3804; A/HRC/56/CRP.4, para. 132.
196 https://unosat.org/products/4130.
197 A/HRC/56/CRP.4, para. 227.
198 A/HRC/56/CRP.4, para. 313.
199 A/HRC/56/CRP.4, para. 228.
200 A/HRC/56/CRP.4, para. 229.
201 https://www.unesco.org/en/gaza/assessment (last updated: 28 May 2025).
202 https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf

of the sites appeared to have been targeted.[203] In relation to educational facilities in Gaza, between 7 October 2023 and December 2024, 396 school buildings out of a total of 564 had been directly hit and sustained damage.[204] Of these, 80 schools had been fully destroyed and 66 schools had lost at least half of their structures.[205]The Commission has found in a previous report that between 7 October 2023 and 25 February 2025 in Gaza, 403 of a total of 564 school buildings were directly hit and sustained damage. Of those hit, 85 schools were fully destroyed and 73 schools lost at least half of their structures. Since 61 percent of schools in Gaza had been operating on double or triple shifts, each school building destroyed has affected hundreds and sometimes thousands of students. The 403 school buildings that were directly hit had served approximately 435,290 students and 16,275 teachers. Between 7 October 2023 and 25 February 2025, 62 percent of school buildings used as shelters were directly hit, resulting in significant numbers of casualties.[206] Furthermore, the Commission has found that higher education facilities were also targeted and destroyed or damaged, affecting about 87,000 university students. These included a campus of Al-Azhar University, demolished in December 2023, and a campus of Israa University, demolished in January 2024. More than 57 university buildings had been completely destroyed as at 25 March 2025.[207] As a result of the destruction of educational facilities, over 658,000 school-aged children in Gaza have been denied access to formal education and the accompanying protective support of a functional education system.[208]

92. The Commission has concluded in a previous report that Israeli attacks in Gaza since October 2023 have effectively destroyed the education system, with significant detrimental long-term repercussions for children and youth in Gaza and for the identity of the Palestinian people as a group. Israeli attacks have caused damage to more than 70 percent of the school buildings in Gaza and created conditions where education for children has been made impossible.[209] Importantly, the Commission also documented several incidents of Israeli security forces burning or demolishing schools, many of which were empty at the time, and considered that such conduct was deliberate.[210]

***b. Destruction and denial of access to medical facilities and units***

93. The Commission has detailed in a previous report its findings on the destruction and denial of medical facilities in Gaza by the Israeli security forces.[211] The Commission has found, *inter alia,* that attacks on healthcare facilities were an intrinsic element of the Israeli security forces' broader assault on Palestinians in Gaza and the physical and demographic infrastructure of Gaza.[212] The Commission has also found that Israeli security forces have deliberately killed, wounded, arrested, detained, mistreated and tortured medical personnel and targeted medical vehicles.[213] Access to medical care in Gaza has been severely restricted since October 2023.

94. The Commission notes the lack of access to medical care since 7 October 2023 severely exacerbated the living conditions for Palestinians in Gaza. As of 24

[203] https://www.bellingcat.com/news/2024/06/26/gaza-israel-destroy-destruction-damage-cultural-history-heritage-archaeology-conflict-war/.

[204] Education Cluster oPT, https://reliefweb.int/report/occupied-palestinian-territory/verification-damages-schools-based-proximity-damaged-sites-gaza-occupied-palestinian-territory-update-7-december-2024

[205] Education Cluster oPT, https://reliefweb.int/report/occupied-palestinian-territory/verification-damages-schools-based-proximity-damaged-sites-gaza-occupied-palestinian-territory-update-7-december-2024

[206] A/HRC/59/26, para. 7.

[207] A/HRC/59/26, para. 9.

[208] A/HRC/59/26, para. 28.

[209] A/HRC/59/26, para. 76.

[210] A/HRC/59/26, para. 80.

[211] A/79/232.

[212] A/79/232, para. 88.

[213] A/HRC/56/CRP.4, para. 255; A/79/232, para. 89.

June 2025, only 36 percent of health facilities remain functional (all partially except one field hospital that is fully functional).[214] As of 7 May 2025, 180 ambulances had been attacked.[215] Access was also reduced owing to closure of areas by Israeli security forces, delays in coordination of safe routes, checkpoints, searches or destruction of roads.[216] Furthermore, hospitals were forced to cease operations due to lack of fuel, electricity and medical supplies, with dire consequences for healthcare in the north, in particular for maternity patients.[217] For example, until late February 2024, Al-Awda Hospital, containing one of the only functioning maternity wards in North Gaza, was partially operational, receiving maternity patients well beyond its capacity. Reportedly, it provided care to 15,577 maternity patients from 7 October to 23 December 2023 with 75 beds. On 27 February 2024, the hospital administration announced that it was partially ceasing operations due to lack of fuel, electricity and medical supplies.

95. Importantly, the attacks against hospitals occurred even after the resumption of military operations on 18 March 2025, including the attack against Nasser Medical Complex and European Gaza Hospital on 13 May 2025. Reportedly, on 13 May 2025, at 02:45, Nasser Medical Complex was hit by an Israeli drone strike which targeted the burn unit of the hospital,[218] killing two patients and injuring 12 others, and destroyed the hospital's infrastructure.[219] The WHO further confirmed that the burn unit of the hospital was struck, destroying 18 hospital beds in the surgical department, eight beds in the intensive care unit and 10 inpatient beds.[220] At 18:19 on the same day, the Israeli security forces reportedly targeted the European Gaza Hospital with a series of airstrikes, hitting the internal yards and the hospital's surroundings. OCHA reported that the incident killed at least 19 people, including five women, and injured more than 40, including four journalists.[221] On the next day, the European Gaza Hospital was reportedly targeted again when the Israeli security forces struck a bulldozer that was brought in by the hospital to repair the roads to enable access to the hospital.[222] According to the WHO, due to the attacks, the European Gaza Hospital was rendered out of service on 15 May 2025.[223] It was the only facility providing oncology services in Gaza.[224] Due to the forced closure, the hospital had to stop providing services including neurosurgery, cardiac care and cancer treatment which were unavailable elsewhere in Gaza.[225] The Israeli security forces claimed that they had targeted a Hamas command-and-control complex underneath the hospital and Hamas operatives and they released aerial footage that purportedly showed a tunnel underneath; however, the Commission's geolocation analysis of the aerial surveillance footage strongly supports the conclusion that the European Gaza Hospital was misidentified in the video. The Israeli security forces'

214 https://www.unocha.org/publications/report/occupied-palestinian-territory/gaza-humanitarian-response-update-8-21-june-2025.

215 https://www.ochaopt.org/content/humanitarian-situation-update-288-gaza-strip.

216 A/79/232, para. 10.

217 A/HRC/58/CRP.6, para. 44.

218 https://reliefweb.int/report/occupied-palestinian-territory/gaza-strike-nasser-hospital; https://www.bbc.com/news/articles/cx2jvx3yjg3o.

219 https://media.un.org/unifeed/en/asset/d339/d3395060 ; https://pchrgaza.org/israeli-strike-targets-and-kills-journalist-esleih-while-receiving-treatment-at-nasser-medical-complex/

220 https://x.com/DrTedros/status/1922289438773698916

221 https://reliefweb.int/report/occupied-palestinian-territory/humanitarian-situation-update-288-gaza-strip-enarhe

222 https://www.middleeasteye.net/live-blog/live-blog-update/israeli-air-strikes-pummel-vicinity-european-hospital; https://www.theguardian.com/world/2025/may/14/israel-hits-gaza-hospitals-in-deadly-strikes-after-pause-to-allow-release-of-edan-alexander

223 https://www.emro.who.int/images/stories/Sitrep_59.pdf

224 https://www.emro.who.int/images/stories/Sitrep_59.pdf

225 https://reliefweb.int/report/occupied-palestinian-territory/health-system-breaking-point-hostilities-further-intensify-gaza-who-warns-enar#:~:text=The%20European%20Gaza%20Hospital%20remains,all%20unavailable%20elsewhere%20in%20Gaza.

footage depicts not the European Gaza Hospital, but the Jenin Secondary School for Boys located around 100 meters from the perimeter of the hospital.[226]

96. The attacks on and destruction of hospitals and the scale of traumatic injuries across the Gaza Strip have overwhelmed the remaining medical facilities, leading to a collapse of the healthcare system. The siege of Gaza, which has caused, *inter alia,* a lack of fuel and electricity, has severely affected the functioning of medical facilities and reduced the availability of life-saving equipment, medical supplies and medications. This has resulted in deprioritising patients with chronic illnesses, leading to avoidable complications and death.[227]

97. Medical experts told the Commission that the destruction of medical infrastructure, lack of supplies and the targeting of healthcare workers have compromised access to basic healthcare and treatment and, as a result, have had direct and indirect effects on health in Gaza. This has especially affected children. Attacks on the paediatric hospitals of Gaza, including Rantisi Hospital and Al-Nasr Hospital in Gaza City, as well as attacks on larger hospitals, have forced children with pre-existing conditions to seek care at smaller facilities that lack specialised paediatric staff and equipment. A doctor in Ahli Hospital stated that the hospital lacked the necessary medications and expertise for treating children with complex medical problems, such as severe asthma or epilepsy.[228]

98. A medical professional who volunteered at Nasser Medical Complex in Khan Younis stated, "there were probably three men [in the emergency room], and the rest were all children, women, elderly, everybody caught in their sleep, still wrapped in blankets."[229] The Commission viewed a video (authenticated by Al Jazeera's Sanad agency) of a volunteer doctor at a hospital who stated that the hospital had run out of painkillers and the medical professionals had not been able to sedate the patients. According to the doctor, seven girls had had their legs amputated without anaesthesia, and most of the patients had been women and children who had been burnt throughout their bodies, with missing limbs.[230] An obstetrician who was in Gaza in December 2023 and January 2024 told the Commission that the hospitals were overwhelmed, and thousands of displaced Palestinians sought refuge at hospital compounds. According to the obstetrician, the floors of the emergency department were bloody and overcrowded, making it difficult at times to reach patients who were on the floor. The obstetrician added that there were children "with horrific amputations, with burns, with traumatic injuries, on the floor in other people's blood" and there was no pain relief available.

99. The Commission investigated attacks on four hospitals in different areas of the Gaza Strip: the Nasser Medical Complex in Khan Younis, Shifa, Awdah and Turkish-Palestinian Friendship ("Turkish Hospital") hospitals. Those include two major medical facilities and hospitals that offer such specialised medical care as obstetrics, paediatrics and oncology. The Commission found that the Israeli security forces attacked these facilities in a similar manner, indicating the existence of operational plans and procedures for attacking healthcare facilities.[231] Notably, from 6 November 2023, repeated attacks on Shifa Hospital and Nasser Medical Complex in Khan Younis, including attacks specifically directed against the maternity ward and intensive care unit of Shifa Hospital, resulted in complete or near-complete closure of these facilities. The closures had serious ramifications for the rest of the

[226] See, for example, https://www.haaretz.com/israel-news/2025-05-15/ty-article/.premium/idf-claimed-hamas-dug-tunnel-under-gaza-school-but-shared-footage-of-a-nearby-hospital/00000196-d05d-d9a9-a99e-f35d73540000

[227] A/79/232, para. 13.

[228] A/79/232, para. 37.

[229] https://www.map.org.uk/news/archive/post/1715-map-demands-uk-cease-being-an-ally-to-atrocities-as-israel-renews-bombardment-of-gaza.

[230] https://www.aljazeera.com/news/liveblog/2025/3/19/live-outrage-as-israeli-attacks-break-gaza-ceasefire-killing-hundreds?update=3588710; https://www.instagram.com/reel/DHVTB-fTKba/?igsh=dXExYnZ4YW4zd3l0.

[231] A/79/232, para. 18.

already overwhelmed hospitals of Gaza, owing to the central role of those two hospitals in the overall health system.[232] On 1 November 2023, the Turkish Hospital ceased operating because of damage caused by air strikes on 30 and 31 October 2023, as well as a lack of fuel and electricity, resulting in the death of several patients, including owing to lack of oxygen. The Turkish Hospital was the only dedicated oncology hospital in Gaza. Since its closure, about 10,000 cancer patients have been left without access to treatment. Consequently, patients have died owing to lack of adequate cancer treatment.[233] According to an obstetrician, a patient in Gaza with suspected endometrial cancer was not provided with any medication as there was none available at the hospital, and surgery was impossible due to the lack of proper facilities. The obstetrician told the Commission that, if such case was presented to her in Gaza before 7 October 2023, it would have been easily treatable through a hysterectomy.

100. The Awdah Hospital, the main reproductive healthcare provider in northern Gaza, was under siege in December 2023, with some 250 people trapped inside facing severe shortages of food, water and medicine. During the siege, several persons, including medical staff and a pregnant woman, were reportedly killed by snipers.[234] Until late February 2024, Awdah Hospital, which had one of the only functioning maternity wards in North Gaza Governorate, was partially operational, receiving maternity patients well beyond its capacity. The hospital reportedly provided care to 15,577 maternity patients in the period from 7 October to 23 December 2023 with just 75 beds. On 27 February 2024, the hospital administration announced that it was partially ceasing operations, owing to lack of fuel, electricity and medical supplies. The partial closure of the hospital had dire consequences for healthcare services in North Gaza Governorate, in particular for maternity patients.[235]

101. The Commission has also previously reported on attacks directed against healthcare professionals and medical units in Gaza.[236] According to the Ministry of Health in Gaza, at least 1,581 health workers were killed between 7 October 2023 and 16 July 2025.[237] As of 12 May 2025, 48 of the Palestine Red Crescent Society staff or volunteers had been killed, and many others had been attacked or detained.[238] Medical personnel stated that they believed they had been intentionally targeted.[239] The Commission documented direct attacks on medical convoys operated by the ICRC, the United Nations, the Palestine Red Crescent Society and non-governmental organizations. Access was also reduced owing to closure of areas by the Israeli security forces, delays in coordination of safe routes, checkpoints, searches or destruction of roads.[240]

102. In relation to the impact of the resumption of Israeli military operations on 18 March 2025 on the Palestinians in Gaza, the director of Shifa Hospital, Muhammad Abu Salmiya, reportedly told Al Jazeera that the hospital was unprepared to manage the influx of victims from the 18 March 2025 attacks and that "[e]very minute, a wounded person dies due to a lack of resources".[241] MSF reported that it responded to influxes of patients in southern and central Gaza, and the emergency unit at Nasser Medical Complex in Khan Younis received many bodies and body parts, most of whom were children and women. In less than two hours, the emergency unit at the hospital received more than 400 patients. In its statement, MSF

232 A/79/232, para. 21.
233 A/79/232, para. 24.
234 A/79/232, para. 25.
235 A/79/232, para. 26.
236 A/HRC/56/CRP.4; A/79/232; A/HRC/58/CRP.6.
237 https://www.un.org/unispal/document/ohchr-press-release-16jul25/.
238 https://www.palestinercs.org/en/Article/12067/Urgent-Appeal-to-Ensure-Protection-for-Humanitarian-Workers-in-Palestine
239 A/79/232, para. 8.
240 A/79/232, para. 10.
241 https://aje.io/oc05av?update=3586669.

compared the attacks of 18 March 2025 to the "past 15 months of war".[242] According to the Gaza director of Medical Aid for Palestinians, "Hospitals are overwhelmed, medical supplies are rapidly running out, and people are once again being displaced with nowhere safe to go."[243]

103. Reportedly, in the evening of 23 March 2025, Israeli military operations targeted a surgical department within the Nasser Medical Complex in Khan Younis, reportedly killing at least two people, including a Hamas political leader who was receiving treatment at the hospital and a 16-year-old boy,[244] and injuring at least eight others, all of whom were patients at the hospital.[245] A trauma surgeon, who was a volunteer at the hospital at the time of the attack, reportedly told Al Jazeera that the attack had destroyed the surgical ward and 30 beds in the hospital, adding to the dire situation at the hospital as a whole.[246] Reportedly, Israeli Defence Minister Israel Katz stated that the Hamas political leader was the target of the attack.[247] According to the Director of Nasser Medical Complex in Khan Younis, all patients from the surgical department were forced to evacuate as the department was completely out of service due to the air strike.[248]

104. The Commission also documented extremely unsafe conditions for women giving birth in Gazan hospitals, including lack of specialised personnel, medication and equipment.[249] Medical professionals told the Commission that they faced severe challenges in managing patients' pain and preventing infections as hospitals often lacked adequate supplies, including epidurals, hypertension medication, anaesthesia, analgesia, anti-D immunoglobulin and antibiotics. An emergency specialist who operated in Nasser Medical Complex in Khan Younis in January 2024 described significant challenges in diagnosing and treating pregnant women given the lack of reliable laboratory testing or equipment, leading to avoidable complications. Obstetricians stated that Gazan women had received very little obstetric care and a number of them were suffering from vaginal infections which, if untreated, could lead to premature births, miscarriages or infertility. Medical personnel described receiving maternity patients suffering from malnutrition and dehydration, as well as different forms of infections and anaemia.[250]

105. The Commission documented how pregnant women increasingly resorted to unsafe deliveries at home or in shelters, with little or no medical support, increasing the risk of complications resulting in life-long injuries and death. The Commission received reports of women being forced to deliver at home with inadequate medical assistance as they were not able to reach a hospital or a medical clinic due to the security situation or the lack of transportation. The Commission also received reports from medical personnel about pregnant women delivering in extremely precarious conditions while they were living in shelters with very little support, equipment or medical tools and no access to hospitals.[251]

106. Importantly, Israel had also drastically decreased, and at times totally prevented, approval of permits to leave Gaza for medical treatment, primarily preventing patients from receiving treatment in hospitals in the West Bank, including

[242] https://msf.org.uk/article/gaza-msf-teams-respond-unacceptable-massacres-civilians-israeli-forces.
[243] https://www.map.org.uk/news/archive/post/1715-map-demands-uk-cease-being-an-ally-to-atrocities-as-israel-renews-bombardment-of-gaza.
[244] https://media.un.org/unifeed/en/asset/d335/d3354196; https://www.aljazeera.com/news/2025/3/24/israeli-strike-on-gaza-hospital-kills-hamas-leader-teen-officials-say.
[245] https://aje.io/k016y8?update=3598544.
[246] https://aje.io/k016y8?update=3598549.
[247] https://rotter.net/forum/scoops1/892576.shtml; https://www.idf.il/279344; https://www.theguardian.com/world/2025/mar/23/israeli-strike-at-gaza-hospital-kills-five-including-hamas-political-leader.
[248] https://media.un.org/unifeed/en/asset/d335/d3354196.
[249] A/HRC/58/CRP.6, para. 47.
[250] A/HRC/58/CRP.6, para. 47.
[251] A/HRC/58/CRP.6, paras. 51-52.

East Jerusalem. According to OCHA, between 7 October 2023 and 31 July 2025, "more than 7,500 Palestinians, including roughly 5,200 children, were medically evacuated abroad, of whom about 2,100 patients were medically evacuated since 1 February, while more than 14,800 are estimated to be in need of urgent medical treatment outside Gaza."[252] Notably, on 18 March 2025, as Israel resumed its military operations in Gaza, Defence Minister Israel Katz reportedly issued instructions to keep the Rafah crossing to Egypt closed to patients who were leaving for medical treatment abroad.[253] At the same time, Israeli authorities have obstructed access to Gaza by emergency medical teams proposing to provide medical support to Palestinian doctors and hospitals in Gaza. According to the WHO, "[s]ince 18 March 2025, denial rates have risen by nearly 50 percent, with 102 critical international [Emergency Medical Technician] health professionals, including surgeons and other specialized medical staff, barred from entry."[254]

### *c. Forced displacement and its impact*

107. Israeli military operations have resulted in more than 1.9 million people (about 90 percent of the population) being displaced in Gaza from October 2023 to 25 June 2025.[255] As a result of the military operations that resumed on 18 March 2025 and the evacuation orders issued since then by the Israeli security forces, within two weeks, more than 280,000 people had been displaced.[256] As of 23 July 2025, 762,593 people have been displaced,[257] continuously enduring desperate and inhumane living conditions. According to OCHA, as of 23 July 2025, "[m]ore than two million people in the Gaza Strip have been squeezed into less than 45 square kilometres, the size of Gaza city, while 88 per-cent of the territory now falls within Israeli-militarized zones or has been placed under displacement orders."[258]

108. Throughout Israel's military campaign since 7 October 2023, people from Gaza who had been displaced told the Commission that their living conditions were inhumane. One mother told the Commission about staying with her four young boys in a dog cage with a cover on top to give them some protection from rain and cold. Others share mattresses with up to 10 people or sleep in turns. As a result, many Palestinians, especially children, suffer from skin diseases, infections and chronic diarrhoea.[259] By late December 2023, more than 360,000 cases of infectious diseases, including acute respiratory infections, meningitis, jaundice, impetigo and chickenpox, had been recorded in UNRWA shelters.[260] On 19 December 2023, UNICEF stated that, as a result of the hostilities and massive displacement, there was on average one toilet for 700 children. Due to the lack of adequate sanitation, 100,000 children had had diarrhoea which, with soaring malnutrition, increasingly proved deadly. This was particularly alarming when access to healthcare was effectively non-existent, with the very few functioning hospitals focusing on treating conflict-related injuries and unable to respond adequately to disease outbreaks. In addition, more than 130,000 children under the age of two had not been receiving

252 https://www.ochaopt.org/content/humanitarian-situation-update-311-gaza-strip#:~:text=Between%207%202023%20October%20and,urgent%20medical%20treatment%20outside%20Gaza.

253 https://www.c14.co.il/article/1150646; https://news.walla.co.il/break/3735208; https://www.terrorism-info.org.il/app/uploads/2025/03/H_061_25.pdf; https://aje.io/oc05av?update=3586380.

254 https://x.com/WHOoPt/status/1953021621247017383.

255 https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip-and-west-bank-including-east-jerusalem#:~:text=According%20to%20the%20UN%2C%20at,some%2010%20times%20or%20more.

256 https://www.ochaopt.org/content/humanitarian-situation-update-277-gaza-strip.

257 https://www.unrwa.org/resources/reports/unrwa-situation-report-181-situation-gaza-strip-and-west-bank-including-east-jerusalem. See also https://aje.io/5apaas?update=3589985.

258 https://www.ochaopt.org/content/humanitarian-situation-update-307-gaza-strip. See also https://aje.io/sqo826?update=3593674.

259 A/HRC/56/CRP.4, para. 258.

260 A/HRC/56/CRP.4, para. 259.

critical life-saving breastfeeding and age-appropriate complementary feeding, including micronutrient supplementation.[261] On 23 November 2023, Oxfam reported that newborns up to three months old were dying of hypothermia, dehydration and infection as mothers had little to no medical support and were living in appalling conditions without water, sanitation, heat or food.[262]

109. The Commission concluded in a previous report that, due to the conduct of the Israeli security forces in transferring civilians from the north to the south, the civilian population was (i) forced to flee their homes fearing for their safety; (ii) humiliated, degraded and attacked throughout their evacuation; (iii) forced to live in inhumane conditions at overcrowded shelters lacking healthcare and basic provisions such as clean food and water; (iv) attacked along evacuation routes and in areas designated as safe zones; and (v) prohibited from returning to their homes in the north, due to restrictions on movement and the large scale destruction of the north of the Gaza Strip. Additionally, it is reasonable to conclude that victims who were displaced have suffered and are suffering serious mental harm. As such, the Commission concluded that the forcible transfer of the civilian population in the Gaza Strip also amounted to cruel or inhuman treatment, both of which are war crimes.[263]

#### *d. Stopping entry of humanitarian aid, electricity, water and fuel supplies to Gaza*

110. On 7 October 2023, the then Israeli Minister of National Infrastructure, Energy, and Water, Israel Katz, ordered the cessation of electricity supply to Gaza, saying "What was – will no longer be." After receiving an instruction from the then Minister of Defence, Yoav Gallant, Katz issued a directive instructing the Israel Electric Company to stop selling electricity to the Palestinian authority in the Gaza Strip. A few days later, on 15 October 2023, Katz shared satellite images revealing that the Strip was illuminated on the 6 October 2023 but nearly devoid of lights on 12 October 2023. Katz commented, "Electricity has been cut off in Gaza, highlighting the devastation inflicted by Hamas on the strip's civilians".[264] On 9 October 2023, Israel imposed a complete siege on Gaza, cutting off essential resources and the movement of goods, heavily restricting the population's access to water, fuel, electricity and food. All crossings between Israel and Gaza were sealed, disrupting humanitarian aid deliveries, and between 7 and 20 October 2023 no aid trucks entered Gaza, significantly impacting two-thirds of the population already heavily reliant on humanitarian assistance.[265]

111. Gallant framed the siege as a measure of retribution, announcing "a complete siege… no electricity, no water, no food, no fuel. We are fighting human animals, and we act accordingly."[266] Katz echoed the statement on 10 October 2023, stating, "In the past, Gaza received 54,000 cubic metres of water and 2,700 megawatts of electricity daily. This ends now. They will have enough fuel for the generators for a few more days, and in a week without electricity, the sewage system will completely stop working. This is what the nation of child killers deserve. What happened will never happen again."[267]

112. Since December 2023, more than ninety percent of the population in Gaza has been facing acute food insecurity, the most severe situation being reported in northern Gaza. This is the result of the combination of the destruction and prevention of local food production, including agriculture, fishing and baking, the siege, preventing the import of adequate food supplies, and the danger posed to humanitarian workers distributing the limited food supplies available. As of July 2025, according to the Integrated Food Security Phase Classification ("IPC"), food

261 A/HRC/56/CRP.4, para. 260.
262 A/HRC/56/CRP.4, para. 262.
263 A/HRC/56/CRP.4, para. 440.
264 A/HRC/56/CRP.4, para. 39.
265 A/HRC/56/CRP.4, para. 21.
266 A/HRC/56/26, para. 49.
267 A/HRC/56/CRP.4, para. 267.

consumption threshold for famine has been passed for most areas of the Gaza Strip and malnutrition has reached the famine threshold in Gaza City.[268]

113. Importantly, even before October 2023, through the *Food Consumption in the Gaza Strip - Red Line* document, Israeli authorities calculated the amount of calories needed by Palestinians in Gaza to avoid malnutrition so that they could be kept in a state of permanent hunger, on the brink of famine.[269] The 2008 document, which was released by the Israeli authorities in 2012 consequent to an Israeli court order, detailed the amount of calories needed by Palestinians in order to avoid malnutrition. It concluded that Israel should allow only 106 trucks of supplies into Gaza daily for five days a week, including basic food, agricultural inputs, medicine, medical equipment and hygiene products.[270]

114. The Commission found, in a previous report, that, throughout the siege on Gaza, Israel has weaponised the withholding of life-sustaining necessities, specifically by cutting off supplies of water, food, electricity, fuel and other essential supplies, including humanitarian assistance.[271] The total siege on Gaza, compounded with Israel's attacks on civilian locations, has had a catastrophic impact on the living conditions of Palestinians in Gaza. For example, the Commission found that the continuing power crisis had detrimental effects on healthcare due to its reliance on generators and fuel supplies. In October 2023, the WHO reported that six hospitals across Gaza had to shut down due to lack of fuel. The WHO warned that thousands of vulnerable patients were at risk of death or medical complications as critical services shut down due to lack of power.[272] According to OCHA, from 11 to 13 November 2023, 32 patients, including three premature babies, died in Shifa Hospital following power outages.[273]

115. Apart from its effect on the healthcare system, power outages have drastically impacted the population's access to clean water because power is necessary for the operation of water pumps and desalination plants.[274] Families have had as little as one litre of water per person per day for drinking, cooking and hygiene, which is critically below the international minimum standard of 15 litres per person per day. In December 2024, Save the Children reported that people were consuming fifty-nine to eighty-nine percent less water than prior to the current escalation. According to the Global Nutrition Cluster report from February 2024, eighty-one percent of households lacked safe and clean water.[275]

116. Moreover, water shortages exacerbated challenges in sanitation services, already burdened by damaged sewage systems, deteriorating infrastructure and limited staffing. In IDP camps and shelters, sanitation services were inoperable, resulting in a pile-up of approximately 400,000 kilograms of waste each day. As a result, the spread of disease has been exacerbated, including diseases such as Hepatitis A. [276]

117. While humanitarian aid had been restricted since 7 October 2023 and while there had been periods in which all aid was stopped by Israel, the period from 2

[268] https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf.

[269] https://www.gisha.org/UserFiles/File/publications/redlines/red-lines-presentation-eng.pdf; https://www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf; https://www.bbc.com/news/world-middle-east-19975211;

[270] https://www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf; https://www.bbc.com/news/world-middle-east-19975211.

[271] A/HRC/56/26, para. 102.

[272] A/HRC/56/CRP.4, para. 304.

[273] https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-38-enarhe; A/HRC/56/CRP.4, para. 302.

[274] A/HRC/56/CRP.4, para. 303.

[275] A/HRC/56/CRP.4, para. 307.

[276] https://x.com/DrTedros/status/1729748696890245146; https://www.savethechildren.net/news/deaths-starvation-and-disease-may-top-deaths-bombs-families-squeezed-deadly-safe-zones-two.

March to 18 May 2025 was the longest period of total siege, in which the Israeli authorities prevented entry to all humanitarian aid and since 18 May the level of siege has been only a little alleviated. On 2 March 2025, Israeli Prime Minister Benjamin Netanyahu terminated the January 2025 ceasefire agreement and announced that the entry of all goods and supplies to the Gaza Strip would be halted.[277] The Prime Minister stated that this decision was made because Hamas had refused to accept a proposal to extend the initial stage of the ceasefire and hostage release deal.[278] Consequently, between 2 March and 18 May 2025, no aid trucks entered Gaza,[279] halting essential items, including food, medicine, fuel and shelter equipment from reaching Palestinians in Gaza. On 3 March 2025, the PRCS indicated that the "humanitarian access and unimpeded delivery of humanitarian aid is crucial to the survival of Palestinians and functioning of basic services and health facilities" and Gaza is "unable to sustain life in its current state as civilians find their basic needs unmet."[280]

118. On 5 March 2025, France, Germany and the United Kingdom warned that the humanitarian crisis in Gaza was catastrophic and urged Israel to ensure unhindered provision of humanitarian assistance to the population in Gaza.[281] However, the Israeli authorities dismissed the warning as lies and claimed that there is plenty of aid in Gaza but Hamas uses such aid to "rebuild its war machine".[282] The Commission notes that, throughout this period, the Israeli Government released conflicting statements, on the one hand asserting that enough aid was present in Gaza but was utilised primarily by Hamas, and on the other hand re-imposing a full siege explicitly stating it was intended to prevent entry of aid to put pressure on Hamas.

119. Despite the warnings raised, including those by States, on 9 March 2025, Energy Minister Eli Cohen ordered the Israel Electric Corporation ("IEC") to immediately stop selling electricity to Gaza power stations. This directive essentially cut off the supply of electricity from Israel to the last power station in Gaza that was still receiving power from the IEC.[283] A UNICEF official in Gaza reported on 10 March 2025 that, due to Israel's decision on Sunday to cut power to the Gaza Strip, 600,000 people who had regained access to drinking water in November 2024 are once again cut off.[284] Similarly, the head manager of the South Gaza Desalination

277 https://www.gov.il/en/pages/spoke-parta020325. See also https://www.politico.eu/article/israel-suspends-humanitarian-aid-gaza-hamas/; https://www.timesofisrael.com/israel-halts-aid-into-gaza-over-hamas-refusal-to-extend-first-phase-of-truce/.

278 https://www.gov.il/en/pages/spoke-parta020325; https://www.timesofisrael.com/liveblog_entry/israel-stops-electricity-supply-to-gaza-to-ratchet-up-pressure-on-hamas/; https://www.timesofisrael.com/israel-halts-aid-into-gaza-over-hamas-refusal-to-extend-first-phase-of-truce/; https://x.com/netanyahu/status/1896181407271288865?lang=en.

279 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf; https://press.un.org/en/2025/sc16023.doc.htm; https://www.ochaopt.org/content/gaza-humanitarian-response-update-2-15-march-2025; https://x.com/omerdos/status/1896093105088315669; https://www.politico.eu/article/israel-suspends-humanitarian-aid-gaza-hamas/.

280 https://x.com/PalestineRCS/status/1896555303292064023.

281 https://www.gov.uk/government/news/e3-foreign-ministers-statement-on-humanitarian-access-in-gaza. See also https://www.theguardian.com/world/2025/mar/05/uk-france-germany-israel-gaza-aid-freeze-could-breach-international-law; https://www.rfi.fr/en/international/20250306-france-uk-germany-push-for-unhindered-aid-access-for-gaza.

282 https://x.com/IsraelMFA/status/1897362068291936448; https://www.youtube.com/watch?v=fg0jIwPGh1M&t=5s (at 00:44:45); https://www.youtube.com/watch?v=JYE24a_X0Pw (at 00:00:45); https://www.france24.com/en/live-news/20250302-israel-suspends-aid-to-gaza-as-first-phase-of-truce-ends

283 https://www.youtube.com/watch?v=_ljQ-twzg3o. See also https://www.timesofisrael.com/liveblog_entry/israel-stops-electricity-supply-to-gaza-to-ratchet-up-pressure-on-hamas/; https://edition.cnn.com/2025/03/09/middleeast/israel-electricity-gaza-intl-latam/index.html.

284 https://news.un.org/en/story/2025/03/1160961.

Plant reportedly warned that the cutting of electricity supply could deprive hundreds of thousands of Palestinians in Gaza of clean water.[285]

120. On 9 March 2025, six out of 22 functioning bakeries in Gaza had been forced to suspend their services due to a lack of cooking gas, while the remaining 16 were at risk of closing within a week if they ran out of fuel or flour.[286] The head of Gaza's bakers' union reportedly told Reuters that, even with all 22 bakeries fully functioning, it would still be insufficient to meet the needs of the Palestinians in Gaza.[287] On 31 March, 2025 all 25 WFP-supported bakeries closed as wheat flour and cooking fuel ran out.[288] OCHA reported that, as of 3 April 2025, "almost all flour distributions have been suspended, and all 25 UN-supported bakeries have been forced to close, due to depletion of cooking gas and flour stocks" and, at the same time, retailers no longer had bread to sell in their shops.[289]

121. On 10 March 2025, the spokesman for the UN Secretary-General confirmed that no humanitarian aid had been allowed into Gaza for the preceding nine days.[290] According to OCHA, entry of lifesaving aid that is indispensable to the survival of more than two million Palestinians must resume immediately.[291] UNRWA Commissioner-General stated that the current blocking of humanitarian aid into Gaza was similar to the one imposed from 7 October 2023 and the situation "threatens the lives and survival of civilians in Gaza".[292] On 14 March 2025, the WFP reported that, since 2 March 2025, it had not been able to "transport any food supplies into Gaza due to the closure of all border crossing points for both humanitarian and commercial supplies."[293]

122. On 21 March 2025, the International Federation of Red Cross and Red Crescent Societies stated that only 23 out of 53 emergency vehicles in Gaza remained operational since Israel blocked the entrance of aid supplies, including fuel, into Gaza beginning 2 March 2025.[294] On 23 March 2025, UNRWA Commissioner-General stated that the renewed siege was "longer than what was in place in the first phase of the war."[295] On 27 March 2025, the WFP and its partners warned that they had enough food stocks to support the need in Gaza for a maximum of two weeks as "[h]undreds of thousands of people in Gaza are again at risk of severe hunger and malnutrition".[296] Similarly, on 28 March 2025, a WHO representative briefed that the WHO attempted to bring in necessary supplies into Gaza but nothing was

[285] https://aje.io/oxy9et?update=3569362.

[286] https://www.wfp.org/news/earlier-food-security-gains-gaza-risk-food-insecurity-concerns-grow-west-bank#:~:text=Since%20March%202%2C%20WFP%20has,both%20humanitarian%20and%20commercial%20supplies. See also https://www.reuters.com/world/middle-east/israels-halt-food-aid-deliveries-worsens-gaza-conditions-2025-03-10/.

[287] ttps://www.reuters.com/world/middle-east/israels-halt-food-aid-deliveries-worsens-gaza-conditions-2025-03-10/.

[288] https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed.

[289] https://www.ochaopt.org/content/gaza-humanitarian-response-update-16-29-march-2025; https://media.un.org/unifeed/en/asset/d335/d3356985.

[290] https://press.un.org/en/2025/db250310.doc.htm.

[291] https://www.ochaopt.org/content/statement-humanitarian-coordinator-mr-muhannad-hadi-halt-entry-humanitarian-supplies-gaza.

[292] https://www.unrwa.org/newsroom/official-statements/press-remarks-unrwa-commissioner-general-philippe-lazzarini-0.

[293] https://www.wfp.org/news/earlier-food-security-gains-gaza-risk-food-insecurity-concerns-grow-west-bank#:~:text=Since%20March%202%2C%20WFP%20has,both%20humanitarian%20and%20commercial%20supplies.

[294] https://www.reuters.com/world/middle-east/red-crescent-says-less-than-half-its-emergency-vehicles-operational-gaza-2025-03-21/#:~:text=Of%2053%20vehicles%20in%20total,is%20having%20a%20devastating%20impact.; https://www.ungeneva.org/en/news-media/press-briefing/2025/03/un-geneva-press-briefing-4.

[295] https://x.com/UNLazzarini/status/1903764244622946339.

[296] https://www.wfp.org/news/hunger-looms-again-gaza-wfp-food-stocks-begin-run-out.

permitted to enter. He added that "only 500 blood units were currently available, while some 4,500 units were estimated to be needed per month [in Gaza]; even more was needed at times of active conflict due to increased trauma cases."[297] On 28 March 2025, the UNRWA Commissioner-General stated that no humanitarian aid had entered Gaza for more than three weeks, marking the longest period that Gaza had been totally without supplies since 7 October 2023.[298] On 11 April 2025, according to Reuters, the President of the International Committee of the Red Cross ("ICRC") said that the humanitarian situation in Gaza can be described as "hell on earth", and that the ICRC's field hospital there will "run out of supplies within two weeks." She added that it was especially dangerous for the ICRC to operate therein.[299]

123. Israel eventually permitted limited aid to enter Gaza on 19 May 2025, after 11 weeks of complete blockade, but it only permitted nine UN trucks to enter on the first day.[300] On 27 May 2025, OCHA spokesperson Jens Laerke stated that the amount that was permitted into Gaza was "vastly insufficient" and called for the opening of more crossings. He also added that all kinds of aid must be permitted, and not "cherry-picked" by the Israeli authorities.[301] Since then, humanitarian aid has been extremely restricted by Israeli authorities and requests for humanitarian access have been repeatedly denied.[302] Importantly, UNRWA has not been permitted by Israel to bring in any humanitarian supplies since 2 March 2025 until at least 25 July 2025.[303]

124. Already in December 2023, the WFP stated that one in four people in the Gaza Strip faced extreme hunger and that only ten percent of the required food for 2.3 million people had entered Gaza in the previous 70 days. The WFP warned that the risk was particularly high for those with chronic diseases, older persons, children and those living with disabilities. OCHA emphasised that people in the north of the Gaza Strip had been experiencing increasingly alarming levels of hunger and deprivation as they had been cut off from assistance and commercial activity for two months. According to an estimate by the Nutrition Cluster in early December 2023, 100 percent of the Gaza population were already food insecure. According to UN estimates from 15 January 2024, Palestinians in the Gaza Strip made up eighty percent of people worldwide facing famine or severe hunger.[304] On 29 July 2025, the IPC stated that the worst-case scenario of famine is currently playing out in the Gaza Strip and that "[m]ounting evidence shows that widespread starvation, malnutrition and disease are driving a rise in hunger-related deaths."[305] Its analysis of 12 May 2025 projected that "the entire population in the Gaza Strip will face high levels of acute food insecurity (IPC Phase 3 or above) by September 2025, including half a million people in Catastrophe (IPC Phase 5), characterised by an extreme lack of food, starvation, destitution and death."[306] The IPC also stated that "[m]alnutrition was expected to reach critical levels (IPC AMN Phase 4) in North Gaza, Gaza and Rafah governorates, with more than 70,000 cases of children under the age of five and 17,000 cases of pregnant and breastfeeding women facing acute malnutrition

297 https://www.unognewsroom.org/story/en/2596/un-geneva-press-briefing-28-march-2025.
298 https://x.com/UNLazzarini/status/1905312253357814108.
299 https://www.reuters.com/world/middle-east/gaza-hell-earth-hospital-supplies-running-out-warns-head-red-cross-2025-04-11/#:~:text=%22We%20are%20now%20finding%20ourselves,the%20Red%20Cross%20in%20Geneva.
300 https://www.ungeneva.org/en/news-media/news/2025/05/106482/un-relief-chief-welcomes-limited-gaza-aid-resumption-its-drop-ocean.
301 https://media.un.org/unifeed/en/asset/d340/d3400864.
302 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf.
303 https://www.unrwa.org/resources/reports/unrwa-situation-report-181-situation-gaza-strip-and-west-bank-including-east-jerusalem.
304 A/HRC/56/CRP.4, para. 313.
305 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf.
306 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf

across the territory."[307] In a report published on 22 August 2025, the IPC Famine Review Committee ("FRC") stated that the man-made famine is "currently occurring in Gaza Governorate. Furthermore, the FRC projects Famine (IPC Phase 5) thresholds to be crossed in Deir al-Balah and Khan Younis Governorates in the coming weeks."[308]

125. In an interview, a spokeswoman for UNICEF told The Telegraph on 25 July 2025 that starvation is threatening the lives of the Palestinians because there is so little aid that families have to rummage through waste to try to find food, and this is compounded by the continuing bombardment in Gaza.[309] She added that more than 600 aid trucks are now needed daily in Gaza, but only about 30 UN trucks a day are being offloaded at the crossings for the UN-led aid system to distribute within Gaza.[310] Separately, the GHF began its operations therein in May 2025. However, the Commission notes that: (i) the GHF only distributes food aid, excluding other essential aid such as clean water, medical supplies and equipment and medicine; (ii) there are only four distribution sites (compared to 400 aid distribution points prior to the establishment of the GHF),[311] three of which are in the south of Gaza and one in the centre; and (iii) all distribution sites are located in militarised zones.[312] As none of the distribution sites are located in northern Gaza, it becomes difficult, and at times impossible, for many Palestinians especially in northern Gaza to access the distribution sites. Reportedly, these sites are only open for as little as eight minutes each time.[313]

126. The Commission highlights that, from 7 October 2023 to 23 July 2025, over 330 UNRWA team members have been confirmed killed.[314] As of 22 July 2025, 311 (nearly all) UNRWA installations have been impacted by Israel's military campaign since 7 October 2023.[315] Importantly, on 28 October 2024, the Knesset voted to enact two laws which entered into effect on 30 January 2025, essentially prohibiting UNRWA's operations in the occupied Palestinian territory, including East Jerusalem, and barring any contact between UNRWA and Israeli officials.[316] In January 2025, Israel shortened all visas of UNRWA's international staff.[317] Israel also ordered UNRWA to vacate all premises in occupied East Jerusalem and cease its operations in them by 30 January 2025.[318] UNRWA reported that its few remaining international staff left Gaza in March 2025, and no further international staff were permitted to enter Gaza, leaving around 12,000 Palestinian UNRWA personnel in Gaza to continue to provide services and assistance therein.[319]

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307 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf

308 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_Aug2025.pdf

309 https://podcasts.apple.com/nl/podcast/battle-lines/id1712903296?i=1000718943988.

310 https://podcasts.apple.com/nl/podcast/battle-lines/id1712903296?i=1000718943988.

311 https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-humanitarian-community-calls-end-GHF.

312 https://podcasts.apple.com/nl/podcast/battle-lines/id1712903296?i=1000718943988.

313 https://www.theguardian.com/global-development/2025/jul/22/food-aid-gaza-deaths-visual-story-ghf-israel.

314 https://www.unrwa.org/resources/reports/unrwa-situation-report-181-situation-gaza-strip-and-west-bank-including-east-jerusalem.

315 https://www.unrwa.org/resources/reports/unrwa-situation-report-181-situation-gaza-strip-and-west-bank-including-east-jerusalem.

316 https://www.un.org/unispal/document/sg-letter-ga-sc-09dec24/#:~:text=In%20the%20event%20that%20UNRWA,law%20and%20international%20human%20rights; https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip-and-west-bank-including-east-jerusalem.

317 https://news.un.org/en/story/2025/01/1159586.

318 https://www.unrwa.org/newsroom/official-statements/government-israel-orders-unrwa-vacate-its-premises-occupied-east.

319 https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip-and-west-bank-including-east-jerusalem.

### *e. Reproductive violence and health and food impacts on women*

127. The Commission documented unsafe conditions for women giving birth in hospitals, including lack of specialised personnel, medication and equipment. Medical professionals noted that it was extremely challenging to manage patients' pain and prevent infections, as hospitals were often lacking adequate supplies, including epidurals, hypertension medication, anaesthesia and antibiotics.[320] An emergency specialist who worked in Nasser Medical Complex in Khan Younis in January 2024 described significant challenges in diagnosing and treating pregnant women because of the lack of reliable laboratory testing or equipment, leading to avoidable complications. Obstetricians stated that women had received very little obstetric care and that a number of them were suffering from vaginal infections that could have led to premature births, miscarriages or infertility.[321]

128. Since 7 October 2023, Palestinian women in Gaza have increasingly been forced to give birth in unsafe conditions, with little or no medical support, increasing the risk of complications resulting in life-long injuries and death for the mother and the child. The continuing siege and hostilities posed barriers for the distribution of safe home delivery kits to pregnant women.[322] The Commission also found that maternal healthcare has massively deteriorated as a direct result of the total siege imposed by Israel. According to a report issued by Crisis Group in April 2024, nearly 60,000 pregnant women were malnourished and dehydrated and many pregnant women were severely anaemic.[323] UNRWA reported on 23 October 2023, "Due to food insecurity, women and children, especially pregnant and lactating women, are at risk of under-or-malnutrition, which will negatively affect their immune health, increasing their susceptibility to contracting maternal nutrition-related illnesses such as anaemia, preeclampsia, haemorrhage. This increases the risk of death for both mothers and babies."[324] In November 2023, WHO warned that, as access to food and water worsens, the risk of death will increase for both mothers and babies.[325] In mid-December, UNFPA warned that pregnant women were starving.[326] In January 2024, UNICEF raised particular concerns about the nutrition of over 155,000 pregnant women and breastfeeding mothers, given their specific nutrition needs and vulnerability.[327] In February 2024, the Global Nutrition Cluster reported that dietary diversity for pregnant and breastfeeding women in North Gaza, Deir al Balah, Khan Younis and Rafah was "extremely critical".[328]

129. Furthermore, starvation and famine have had a severely detrimental impact on women and girls, in particular pregnant and post-partum women. Pregnant and lactating women have faced specific risks to their own health and to the health of their newborns due to starvation and malnutrition. As early as November 2023, thousands of displaced women and newborns residing in the UNRWA facilities reportedly required medical care due to increasing malnutrition, dehydration and water-borne disease. Almost two years after the attacks in Gaza began, the situation is more dire than ever. According to UNFPA in October 2024, 42,000 pregnant women faced crisis levels of hunger (IPC 3) and over 3,000 pregnant women faced catastrophic levels of food insecurity (IPC5), numbers that reportedly were expected

320 For example, https://www.youtube.com/watch?v=tMFCLM_dY3M.
321 A/79/232, para. 31.
322 A/79/232, para. 32.
323 https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/israelpalestine/244-stopping-famine-gaza?utm_source=t.co&utm_medium=social.
324 https://www.unrwa.org/resources/reports/rapid-gender-analysis-gendered-impacts-october-2023-escalation-gaza.
325 https://www.who.int/news/item/03-11-2023-women-and-newborns-bearing-the-brunt-of-the-conflict-in-gaza-un-agencies-warn.
326 https://www.instagram.com/unfpa/p/C0z3Qj4v_Nv/.
327 https://www.unicef.org/press-releases/intensifying-conflict-malnutrition-and-disease-gaza-strip-creates-deadly-cycle.
328 https://www.nutritioncluster.net/news/nutrition-vulnerability-and-situation-analysis-gaza.

to surge during winter.[329] As of 19 May 2025, almost 11,000 pregnant women are at risk of famine.[330]

130. An obstetrician interviewed by the Commission noted the difficult conditions facing women and girls due to effects of starvation, stating that many pre- and post-natal patients were malnourished or weakened by diseases and infections. The Commission also spoke to women who had faced famine and starvation while pregnant or lactating. They noted the lack of access to food and clean drinking water, combined with multiple displacements and grieving the loss of family members. These ailments compounded their feeling of anxiety and stress, impacting them and their babies. The impact of stress and the lack of food and water on lactation was confirmed by several medical professionals.

### *f. Impacts of reduced healthcare and food on children*

131. UN agencies have warned that risks of malnutrition and preventable deaths will continue to rise across the Gaza Strip, costing more lives, due to the impact of Israel's siege.[331] In late November 2023, Oxfam warned that newborns up to three months old were dying from preventable causes due to the siege and acute shortages of clean water.[332] MSF reported witnessing children suffering from skin rashes due to the lack of clean water for bathing or washing.[333] By the end of 2023 these factors had led to outbreaks of waterborne and other diseases, such as dysentery, scabies, lice, chicken pox, abdominal pain, fever, vomiting, typhoid, hepatitis A and more than 160,000 cases of acute respiratory infection.[334] The physical effects of the lack of food and water over the last 22 months have compounded the immense and severe mental trauma for children. In February 2024, UNICEF estimated that "almost all children, which is more than 1 million, are in need of mental health and psychosocial support".[335]

132. Israel's use of starvation as a method of war through the total siege on the Gaza Strip has had devasting impacts on children as well, resulting in starvation, alarmingly high rates of acute malnutrition, increasing risks of outbreak of diseases such as cholera and chronic diarrhoea and significant excess mortality.[336] As of April 2024, severe starvation, dehydration and extremely critical acute malnutrition levels had resulted in the deaths of at least 28 children, including 12 babies under the age of one-month. Among these 28 deaths, 25 children were under the age of one. The Commission notes that these figures represent only those children who were able to reach hospitals. It is likely that other children have died due to starvation without receiving medical attention. Particularly concerning is Israel's refusal to allow basic

329 https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-Situation-Report-11-%28Final%29.pdf.

330 https://www.unfpa.org/news/famine-looms-gaza-pregnant-women-and-newborns-face-life-threatening-health-risks.

331 https://www.wfp.org/videos/famine-closes-gaza-aid-being-held-check-points-forthemedia.

332 https://www.oxfam.org/en/press-releases/babies-dying-preventable-causes-besieged-gaza-oxfam

333 https://www.msf.org/gaza-lack-clean-water-brings-disease-and-suffering.

334 https://www.unicef.org/press-releases/barely-drop-drink-children-gaza-strip-do-not-access-90-cent-their-normal-water-use#:~:text=AMMAN%2C%2020%20December%202023%20%E2%80%93%20Recently,survival%2C%20according%20to%20UNICEF%20estimates.; https://www.anera.org/blog/gazas-water-crisis-puts-thousands-at-risk-of-preventable-death/; https://www.unfpa.org/press/women-and-newborns-bearing-brunt-conflict-gaza-un-agencies-warn; https://www.lshtm.ac.uk/media/75901.

334 https://www.lshtm.ac.uk/media/75901.

335 https://www.unicef.org/press-releases/stories-loss-and-grief-least-17000-children-are-estimated-be-unaccompanied-or.

336 https://www.fao.org/neareast/news/details/fao-expresses-deep-alarm-over-acute-hunger-in-the-gaza-strip/en; https://www.unicef.org/press-releases/barely-drop-drink-children-gaza-strip-do-not-access-90-cent-their-normal-water-use#:~:text=AMMAN%2C%2020%20December%202023%20%E2%80%93%20Recently,survival%2C%20according%20to%20UNICEF%20estimates.; https://www.care.org/media-and-press/water-crisis-threatens-the-lives-of-hundreds-of-thousands-in-gaza/; https://www.msf.org/five-ways-war-gaza-impacting-palestinians-health.

essential supplies, such as special infant milk, into the Gaza Strip, which has led to serious complications and fatalities.[337]

133. In December 2023, UNICEF stated that 130,000 children under the age of two were not receiving "critical life-saving breastfeeding and age-appropriate complementary feeding".[338] In March 2024, UN agencies warned that one in three children below the age of two were acutely malnourished or "wasted" in the northern Gaza Strip, which means they were dangerously thin for their height and at risk of death.[339] This pattern of acute malnutrition among children under the age of two in the north increased from 15.6 percent in January to 31 percent in March 2024, while severe wasting among children in the south of the Gaza Strip rose fourfold from one percent in January to more than four percent in February 2024,[340] which suggests a severe and rapid decline in the health and nutritional state of children.[341] According to an obstetrician who spoke to the Commission, poor sanitation and the lack of reliable and clean water put babies' survival chances at risk as it was impossible to make formula milk in such conditions.

134. Already in June 2024, UNICEF estimated that almost 3,000 malnourished children were at risk of dying owing to the lack of food in southern Gaza. The IPC reported that more than 20,000 children have been admitted for treatment for acute malnutrition between April and mid-July 2025, with more than 3,000 severely malnourished.[342] The situation was exacerbated by the continued attacks on the healthcare facilities. A paediatric doctor projected that children living in hospitals for long periods with no access to proper nutrition would suffer from nutritional deficiencies resulting in long-term health consequences. The collapse of the healthcare system has also affected the ability to provide vaccinations.[343]

135. Doctors told the Commission that, as a result of attacks on medical facilities and the limited treatment options available, infants and children in Gaza would likely suffer well into their adulthood. Short-term complications could include infants not meeting motor developmental milestones within the first year of life. In the medium-term, children would be unable to develop speech and meet language milestones, and their cognitive abilities could potentially be impaired in the long-term. A doctor summarised the situation by saying that the essence of childhood has been destroyed in Gaza.[344]

136. An obstetrician informed the Commission that babies born to vulnerable mothers are more likely to die in the neonatal period and are more likely to develop chronic illnesses in their childhood and adulthood. Within the context of the situation in Gaza where there was no access to antenatal and postnatal care, the obstetrician informed the Commission that these babies are more likely to suffer from malnutrition and stunting and development delay, and to have a shorter life expectancy. The obstetrician further informed the Commission that all the women she treated were severely anaemic, which meant that they were more likely to give birth early to underweight babies, and these women were more likely to die in childbirth as they did not have the reserves if they haemorrhaged (which is more likely to occur to malnourished women). The lack of folic acid, for example, which was crucial to pregnant women, increased the risk of defects in babies, such as spina bifida.

337 https://www.facebook.com/MOHGaza1994/videos/1070288638228103/.

338 https://palestine.un.org/en/256251-%E2%80%98ten-weeks-hell%E2%80%99-children-gaza-unicef.

339 https://www.unicef.org/press-releases/acute-malnutrition-has-doubled-one-month-north-gaza-strip-unicef; https://www.wfp.org/news/famine-imminent-northern-gaza-new-report-warns.

340 https://www.unicef.org/press-releases/acute-malnutrition-has-doubled-one-month-north-gaza-strip-unicef.

341 A/HRC/56/CRP.4, para. 332.

342 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf. See also https://www.unicef.org/press-releases/more-5000-children-diagnosed-malnutrition-gaza-strip-may.

343 A/79/232, para. 38.

344 A/79/232, para. 40.

**iii. Analysis and conclusion**

137. In a previous report, the Commission found that Israeli authorities have committed the war crime of intentionally using starvation as a method of warfare by depriving the civilian population of the Gaza Strip of objects indispensable to their survival, including by cutting off access to food, water, shelter and medical care and wilfully impeding relief supplies.[345]

138. Furthermore, based on the findings that hospitals have been unable to function properly due to (i) the cutting of water, electricity and fuel supplies; (ii) the lack of medical equipment, medicine and other supplies that have been blocked by the Israeli authorities; and (iii) the destruction of infrastructure and housing that were essential to the survival of the civilian population in Gaza, the Commission found that Israeli authorities have committed the crime against humanity of extermination of part of the civilian population in the Gaza Strip through indirect means, by inflicting conditions of life calculated to bring about the destruction of civilians in Gaza.[346]

139. The Commission notes that "the term 'conditions of life' may include, but is not necessarily restricted to, the deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes."[347] In assessing whether the underlying prohibited act of deliberately inflicting on the group conditions of life *calculated* to bring about its physical destruction in whole or in part is established, it is not necessary for the conditions of life to actually lead to death or serious bodily or mental harm; however, such an outcome is relevant, even if not necessary, to establish a genocidal intent to destroy a particular group, assessed below.[348]

140. Therefore, the Commission assessed the conduct of Israeli authorities, including those of the Israeli security forces, in particular (i) a pattern of wanton and direct attacks against civilian objects in Gaza; (ii) forcibly transferring Palestinians in Gaza; (ii) using starvation as a method of warfare; (iii) imposing a total siege on Gaza by preventing entry of electricity, fuel, food and water, and means of shelter; (iv) blocking humanitarian aid, including basic necessities, medical equipment and medicines, from entering into Gaza; and (v) direct attacks on the healthcare facilities, including sexual and reproductive healthcare facilities. The Commission notes that the military operations of the Israeli security forces and the siege began on 7 October 2023 and are continuing. As a result, Palestinians in Gaza were forcibly transferred and forced to live in inhumane conditions deprived of food, water, proper housing and essential medical care. Notably, the Israeli security forces had also intentionally destroyed civilian objects that left Palestinians in Gaza without resources indispensable for their survival and heavily reliant on humanitarian aid that was wholly or substantially blocked by Israeli authorities.

141. The Israeli security forces have also intentionally destroyed healthcare facilities across the Gaza Strip to impede Palestinians from receiving much needed medical care and forced them to live in inhumane conditions. As a consequence, many Palestinians have been forced to live in a condition of extreme uncertainty and constant fear for their safety and could only focus on staying alive. Notably, several parents informed the Commission that, since 7 October 2023, the only aim of their children in Gaza is to find food to survive and they cannot afford to think of anything else. Palestinians have died due to the lack of medical care, food and direct killing

345 A/HRC/56/CRP.4, paras. 451, 464.

346 A/HRC/56/CRP.4, para. 468.

347 ICC, Elements of Crimes, art. 6(c)(4), fn. 4; ICTY, *Prosecutor v. Radoslav Brđanin,* IT-99-36-T, Judgement, 1 September 2004, para. 691.

348 ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, para. 546; Mettraux, G., *International Crimes: Law and Practice (Volume II: Crimes Against Humanity),* Oxford University Press, 1st edition, 2020, p. 270; Mettraux, G., *International Crimes: Law and Practice (Volume I: Genocide),* Oxford University Press, 1st edition, 2019, p. 270.

by the Israeli security forces. These consistent actions show a pattern of conduct that the Israeli authorities have imposed on the Palestinians trapped in Gaza.

142. The Israeli security forces continued directly attacking maternal health in Gaza despite the numerous and clear warnings issued by relevant UN agencies and civil society actors. The conditions of life brought about by these intentional and direct attacks on the sexual and reproductive healthcare system, coupled with the lack of access to sexual and reproductive healthcare caused by the siege and continuing hostilities, has had a particularly harmful effect on pregnant, post-partum and lactating women with irreversible long-term effects on the mental health and the physical reproductive and fertility prospects of the Palestinian people as a group.[349]

143. Importantly, the Commission highlighted in a previous report that Israeli security forces carried out their attacks against medical facilities, units and personnel while tightening the siege of the Gaza Strip, resulting in fuel, food, water, medicines and medical supplies not reaching hospitals, thereby exacerbating an already catastrophic situation, with the rapid increase in the number of emergency patients with serious injuries adding to the caseload of untreated patients suffering from chronic diseases or those in need of specialist care.[350]

144. Considering the evidence in totality, the Commission has found that Israeli authorities were aware of the high probability that their military operations, the imposition of a total siege, including the blocking of humanitarian aid into Gaza, and the destruction of housing and of health systems and facilities would lead to the physical destruction of Palestinians, in whole or in part, in Gaza.[351] Importantly, in relation to the blocking of humanitarian aid, Israeli authorities were put on notice by the International Court of Justice, the Security Council and various human rights experts and groups. For example, in March 2024, the International Court of Justice stated that the "catastrophic living conditions" in Gaza had deteriorated further, particularly the prolonged and widespread deprivation of food and basic necessities, and that famine was setting in and it ordered that Israeli authorities ensure aid and humanitarian assistance in sufficient volumes.[352] In May 2024, the International Court of Justice stated that the catastrophic humanitarian situation in the Gaza Strip had deteriorated and "is now to be characterized as disastrous". Despite the clear warnings, Israeli authorities did not allow adequate humanitarian aid to reach the Palestinians in Gaza. The Commission therefore finds that Israeli authorities knowingly and deliberately inflicted such conditions of life calculated to bring about the destruction of Palestinians in Gaza.

145. Between 18 March and 15 April 2025, approximately 500,000 Palestinians were displaced, the great majority of them having been displaced many times before this.[353] On 25 April 2025, the WFP announced that it had depleted all its food stocks in Gaza as border crossings remained closed and that it had "delivered its last remaining food stocks to hot meals kitchens in the Gaza Strip."[354] Additionally, as of 31 March 2025, "all 25 WFP-supported bakeries closed as wheat flour and cooking fuel ran out."[355] Importantly, the WFP noted that "[m]ore than 116,000 metric tons of food assistance – enough to feed one million people for up to four months - is positioned at aid corridors and is ready to be brought into Gaza by WFP and food security partners as soon as borders reopen."[356] Without the aid of the WFP, half the population in Gaza will be critically affected. Importantly, even if the WFP

[349] A/79/232, para. 97.

[350] A/79/232, paras. 89-90.

[351] See Mettraux, G., *International Crimes: Law and Practice (Volume I: Genocide),* Oxford University Press, 1st edition, 2019, p. 278.

[352] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 28 March 2024, paras. 18, 21.

[353] https://www.unrwa.org/resources/reports/unrwa-situation-report-168-situation-gaza-strip-and-west-bank-including-east-jerusalem.

[354] https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed.

[355] https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed.

[356] https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed.

were able to provide food to half the population, this was only 25 percent of their daily food needs.[357] Similarly, on 29 April 2025, UNRWA stated that it has "nearly 3,000 trucks of lifesaving aid" waiting for the crossings to be opened.[358] Notwithstanding these warnings and this awareness, the Israeli authorities had not permitted any humanitarian aid to enter Gaza. Importantly, the effects of these catastrophic conditions are compounded by the fact that Palestinians are trapped in Gaza with no place of safety and security from Israel's unrelenting attacks; they have nowhere else to go as the entire Gaza Strip is stricken by Israel's actions and all the borders are sealed. On 8 April 2025, the UN Secretary-General said that "Gaza is a killing field – and civilians are in an endless death loop."[359] The Commission finds that the Israeli authorities have deliberately created conditions of life that are resulting in the destruction of generations of Palestinians and are leading to the destruction of the Palestinian people in Gaza as a group.[360]

146. The Commission is aware of the jurisprudence on the destruction of educational facilities and that such conduct may be relevant for the assessment of *dolus specialis* of genocide. The Commission is of the opinion that the destruction of educational facilities must also be assessed within the societal and cultural context specific to Gaza and that therefore their destruction should be taken into account in establishing the underlying act of genocide under article II(c) of the Genocide Convention. Educational facilities in Gaza are not mere structures at which Palestinians receive education. Schools, for example, have been used as a place of shelter for displaced Palestinians. For many Palestinians, educational facilities were therefore a source of physical safety and security. The attacks on these facilities have led to further displacement of Palestinians in Gaza, thus contributing to the unbearable conditions of life therein. Furthermore, the Commission notes that the loss of educational facilities has meant that Palestinians have lost their source of stability, hope and possibility of a future. The Commission considers that the destruction of the education system and denial of educational opportunities, including schooling, contribute to the inhumane conditions of life imposed on many Palestinians in Gaza calculated to bring about the physical destruction of the group. By destroying the education system in Gaza, which would cripple the Palestinians' ability to preserve their identity as a people, the Israeli authorities deliberately inflicted on the group conditions of life calculated to bring about its physical destruction in whole or in part.[361] The Commission therefore finds that the Israeli security forces targeted and destroyed educational facilities in Gaza to ensure Palestinians were not able to seek refuge at these locations and to erase the Palestinian identity.

147. The Commission concludes that the *actus reus* and *mens rea* of 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part' under article II(c) of the Genocide Convention are established.

357 https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed.

358 https://x.com/UNRWA/status/1917126719863197887.

359 https://www.un.org/sg/en/content/sg/press-encounter/2025-04-08/secretary-generals-press-encounter-gaza-scroll-down-for-arabic?_gl=1*jec3vb*_ga*NDIxNzE4Njk4LjE3MzgyMjcyMTY.*_ga_TK9BQL5X7Z*MTc0NTkyNjU4Ni4zNS4xLjE3NDU5MjgwNjIuMC4wLjA.*_ga_SCSJZ3XC0L*MTc0NTkyNjU4Ni43LjEuMTc0NTkyODA2Mi4wLjAuMA..*_ga_S5EKZKSB78*MTc0NTkyNjU4Ni41LjEuMTc0NTkyODA2NC41OC4wLjA.

360 A/79/232, para. 96.

361 See, for example, United Nations Draft Convention on the Crime of Genocide, E/447, p.27, available at https://docs.un.org/en/E/447; Schabas, William A., *Genocide in International Law: The Crime of Crimes,* Cambridge University Press, 2009, p. 208.

## D. Imposing measures intended to prevent births within the group

### i. Legal framework

148. To establish the *actus reus* under this category, the Commission notes that the measures imposed need not be physical, but may also be psychological or social, for example, when members of a group can be led, through threats or trauma or law, to be unable to conceive or to decide not to procreate.[362]

149. In relation to the *mens rea,* it must be established that the measure was intended to deprive the victim of the ability and the opportunity to conceive and to give birth.[363] Therefore, it is not necessary to establish the actual prevention of births within the group, as long as the measures that were imposed are found to have been intended to prevent births.[364]

### ii. Summary of factual findings

150. Attacks on healthcare facilities, including those offering sexual and reproductive healthcare and services, have affected about 545,000 women and girls who are of reproductive age in Gaza. Direct attacks against the main maternity wards in Shifa Hospital and Nasser Medical Complex in Khan Younis rendered them inoperative for periods of time. Facilities specifically designated as sexual and reproductive healthcare centres were directly targeted or forced to cease operations. Those facilities include Emirati Maternity Hospital, Awdah Hospital and Sahabah Hospital, which are the primary maternal healthcare facilities in the south and north of Gaza. In parallel, several maternity wards in other hospitals were forced to close, including the maternity ward of Aqsa Hospital in January 2024.[365] In July 2025, it was reported that the provision of reproductive health services has increased, with 13 hospitals and four field hospitals providing maternity care, yet these facilities were constrained by staff shortages, supply gaps, and damaged infrastructure which restricted the ability of pregnant women to reach such facilities.[366]

151. In particular, the Commission investigated the attack against Al-Basma IVF clinic, Gaza's largest fertility clinic. The clinic was shelled in December 2023, reportedly destroying around 4,000 embryos and 1,000 sperm samples and unfertilised eggs. According to reports, al-Basma IVF Centre served 2,000 to 3,000 patients each month, carrying out approximately 70 to 100 IVF procedures a month. The siege on Gaza and the resulting lack of supplies of liquid nitrogen, which is used to keep storage tanks cold, presented considerable challenges to the operation of the clinic and the preservation of reproductive material during the first months of the war. The stored reproductive material was lost in its entirety when the genetic bank was attacked in early December 2023. During the attack, the embryology laboratory was directly hit, and all the reproductive material stored in the laboratory was destroyed.[367]

152. The Commission has determined, through visual analysis of photographs from the scene, that the extensive damage to the building's exterior and interior was caused by a large calibre projectile, most probably a shell fired from an Israeli security forces tank. Satellite imagery indicates that the area around the clinic was extensively damaged due to the hostilities. The Centre was a standalone building, clearly marked with the name of the clinic. In a statement given to American ABC

362 ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 508; *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-T, Judgement, 21 May 1999, para. 117.

363 Mettraux, G., *International Crimes: Law and Practice (Volume II: Crimes Against Humanity),* Oxford University Press, 1st edition, 2020, p. 279.

364 Mettraux, G., *International Crimes: Law and Practice (Volume I: Genocide),* Oxford University Press, 1st edition, 2019, p. 280.

365 A/HRC/58/CRP.6, paras. 39-40.

366 https://www.unfpa.org/sites/default/files/resource-pdf/Palestine%20Situation%20Report%2015%20%28Final%29.pdf.

367 A/HRC/58/CRP.6, para. 41.

News, a spokesperson for the Israeli security forces said that they were not aware of the specific strike. The Israeli security forces also stated that they take extensive measures to mitigate civilian harm and in handling objects that require special protection and that they did not deliberately target civilian infrastructure, including IVF clinics. The Commission did not find any credible information indicating that the building was used for military purposes.[368] The Commission found that the Israeli authorities knew that the medical centre was a fertility clinic and that they intended to destroy it. Therefore, the Commission concluded that the destruction of the Al-Basma IVF clinic was a measure intended to prevent births among Palestinians in Gaza.[369]

#### iii. Analysis and conclusion

153. The Commission emphasises that the Al-Basma IVF clinic was the main fertility centre in Gaza. The Israeli security forces launched a tank shell that directly hit the clinic and caused the explosion of five liquid nitrogen tanks, consequently destroying all the reproductive material that was stored therein for future conception of Palestinians. Furthermore, the Commission highlights that the IVF clinic suffered the most damage, compared to the buildings adjacent to it, indicating that it was the principal target. Considering (i) the Israeli security forces had launched a shell that directly hit the standalone clinic within a compound; (ii) the precision of the strike that led to the explosion of the nitrogen tanks; (iii) the absence of any credible threat from within the clinic; and (iv) the extent of damage to the clinic in comparison with the surrounding buildings, it is reasonable to conclude that the Israeli security forces knew of the function of the clinic and intended to target it and destroy the reproductive material within. Importantly, the Commission also heard from a witness who testified that munitions experts consulted were able to conclude that the clinic had been "under significant direct attack".

154. While actual prevention of births is not necessary to establish the commission of this underlying genocidal act, the Commission nevertheless highlights the testimony of the expert physician on reproductive medicine to the Commission. According to the expert physician, the attack on the IVF clinic will "have repercussions for generations to come. Children who were meant to be born from these 5,000 reproductive specimens will never exist. Families will be forever changed and bloodlines may end because of a loss of these reproductive tissues." The Commission has concluded in a previous report that the destruction of the Al-Basma IVF clinic was a measure intended to prevent births among Palestinians in Gaza.[370]

155. As such, the Commission concludes that the *actus reus* and *mens rea* of 'imposing measures intended to prevent births within the group' under article II(c) of the Genocide Convention are established.

# IV. *Dolus specialis* of genocide

## A. Legal framework

156. Genocide is an international crime that incurs individual criminal responsibility, for which a State may be responsible if the conduct was attributable to the State. While the standard of proof to find an accused guilty of genocide in a criminal trial is 'beyond reasonable doubt', the standard in establishing State responsibility is based on 'evidence

[368] A/HRC/58/CRP.6, para. 42.
[369] A/HRC/58/CRP.6, paras. 42 and 176.
[370] A/HRC/58/CRP.6, para. 175.

that is fully conclusive'.[371] According to the International Court of Justice, the court has to "be fully convinced that allegations made in the proceedings, that the crime of genocide or the other acts enumerated in Article III have been committed, have been clearly established."[372] To find a State responsible for genocide, it is therefore important to establish that the perpetrator committed the underlying acts of genocide with the general intent (*dolus generalis*) to commit the underlying acts and the required specific intent *(dolus specialis)* for genocide.[373] The Commission notes that the specific intent requirement is attached to the perpetrator of the underlying act, not to the State. State responsibility may therefore be established when the acts were committed by actors whose conduct is attributable to the State.

157. The Commission has discussed in the sections above the general intent required to establish the commission of genocidal acts as prescribed in the Genocide Convention. The Commission now analyses whether the underlying acts of genocide were committed by the perpetrators with the specific intent to destroy, in whole or in part, the Palestinians in Gaza, as such. The Commission notes that the 'intent to destroy' does not mean that such destruction needs to have occurred. Furthermore, as the intent is in relation to the destruction of the group, the underlying acts may be committed against civilians and non-civilians of a particular group, and such acts would still amount to genocide as long as the *mens rea* element is established.[374] The Commission notes that, on 26 January 2024, the International Court of Justice stated that "[t]he Palestinians appear to constitute a distinct 'national, ethnical, racial or religious group', and hence a protected group within the meaning of article II of the Genocide Convention.[375] Furthermore, noting that the Palestinians in the Gaza Strip comprise over two million people, the International Court of Justice has stated that "Palestinians in the Gaza Strip form a substantial part of the protected group."[376]

158. Genocidal intent may be established either through (i) direct evidence such as statements expressing an intent to destroy, in whole or in part, the protected group as such; or (ii) circumstantial evidence, taking into account the totality of the evidence, by inference through the examination of the pattern of conduct. The Commission considers that sexual and gender-based violence may be taken into account to infer genocidal intent. Additionally, acts directed at children may also be assessed. The Commission notes that, when establishing genocidal intent, the overall factual situation should be taken into consideration, rather than individual or discrete

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371 For example, ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 209.

372 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 209.

373 ICTR, *Prosecutor v. Georges Rutaganda,* ICTR-97-20-T, Judgement, 6 December 1999, para. 59; *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 122; ICTY, *Prosecutor v. Ratko Mladić,* IT-09-92-T, Judgment (volume 3), 22 November 2017, para. 3435; ILC, *Draft Code of Crimes against the Peace and Security of Mankind, with commentaries,* 1996, art. 17, para. 5 ("The definition of this crime requires a particular state of mind or a specific intent with respect to the overall consequences of the prohibited act.").

374 For example, ICTY, *Prosecutor v. Vujadin Popović et al.,* IT-05-88-T, Judgement, 10 June 2010, para. 833. See also Mettraux, G., *International Crimes: Law and Practice (Volume I: Genocide),* Oxford University Press, 1st edition, 2019, p. 173.

375 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Request for the Indication of Provisional Measures, Order, 26 January 2024, para. 45.

376 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Request for the Indication of Provisional Measures, Order, 26 January 2024, para. 45. See also ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 198.

incidents.[377] Furthermore, actions taken before, during and after the commission of the genocidal act may be considered in establishing genocidal intent.[378]

159. In *Bosnia v. Serbia,* the International Court of Justice stated that, for a pattern of conduct to be accepted as evidence of a specific intent to destroy the group in whole or in part, it would have to be such that the pattern of conduct could only point to the existence of such intent.[379] Referring to the standard in *Bosnia v. Serbia,* the International Court of Justice in *Croatia v. Serbia* stated, "in order to infer the existence of *dolus specialis* from a pattern of conduct, it is necessary and sufficient that this is the only inference that could reasonably be drawn from the acts in question."[380] Factors that may be taken into consideration include the scale and systematic nature of the attacks and the casualties and damage that were "far in excess of what was justified by military necessity", and the degree of injuries caused.[381]

160. The Commission considers that, while there may be other reasons for a discrete act (for example, to achieve a military advantage by forcibly transferring the group, or to destroy the existence of an armed group), this does not preclude the existence of a genocidal intent, as long as the genocidal intent is the only reasonable inference to be drawn, having ruled out other inferences that are not reasonable, based on the totality of evidence at hand.[382]

161. Absent explicit expressions of intent by the perpetrators, genocidal intent may be established through circumstantial evidence.[383] The Commission therefore takes into consideration the following non-exhaustive indicators when analysing the *dolus specialis* of genocide: the actions of the perpetrators;[384] the general context; the

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377 ICTY, *Prosecutor v. Ratko Mladić,* IT-09-92-T, Judgment (volume 3), 22 November 2017, para. 3435; *Prosecutor v. Milomir Stakić,* IT-97-24-A, Judgement (Appeals Chamber), 22 March 2006, para. 55; ICTR, *Prosecutor v. Georges Rutaganda,* ICTR-97-20-T, Judgement, 6 December 1999, para. 61.

378 ICTY, *Prosecutor v. Zdravko Tolimir,* IT-05-88/2-A, Judgement (Appeals Chamber), 8 April 2015, paras. 564-577.

379 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 373.

380 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 148.

381 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p.3,* 3 February 2015, para. 413.

382 This is consistent with jurisprudence at the international criminal tribunals which provides that there may be times where motives (*i.e.* personal, political or military) may co-exist with genocidal intent. For example, ICTY, *Prosecutor v. Goran Jelisić,* IT-95-10-A, Judgement (Appeals Chamber), 5 July 2001, para. 49: The Appeals Chamber further recalls the necessity to distinguish specific intent from motive. The personal motive of the perpetrator of the crime of genocide may be, for example, to obtain personal economic benefits, or political advantage or some form of power. The existence of a personal motive does not preclude the perpetrator from also having the specific intent to commit genocide. See also, for example, ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Declaration of Intervention by Ireland pursuant to Article 63 of the Statute of the International Court of Justice, 6 January 2025, para. 40; Declaration of Intervention by the Republic of Türkiye, 7 August 2024, para. 111.

383 ICTY, *Prosecutor v. Ratko Mladić,* IT-09-92-T, Judgment (volume 3), 22 November 2017, paras. 3440 and 3457 (citing, *inter alia:* ICTY, *Prosecutor v. Goran Jelisić,* IT-95-10-A, Judgement (Appeals Chamber), 5 July 2001, paras. 47-48; *Prosecutor v. Radislav Krstić,* IT-98-33-A, Judgement (Appeals Chamber), 19 April 2004, para. 34); *Prosecutor v. Milomir Stakić,* IT-97-24-A, Judgement (Appeals Chamber), 22 March 2006, para. 55); ICTR, *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-T, Judgement, 21 May 1999, para. 93. See also, for example, ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Declaration of Intervention by Ireland pursuant to Article 63 of the Statute of the International Court of Justice, 6 January 2025, paras. 34-35.

384 ICTR, *Prosecutor v. Sylvestre Gacumbitsi,* ICTR-2001-64-T, Judgement, 17 June 2004, para. 252; *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-T, Judgement, 21 May 1999, para. 93.

perpetration of other culpable acts systematically directed against the same group; [385] the scale of the atrocities committed (including means and methods used); the number of victims; the systematic targeting of victims on account of their membership in a particular group; the repetition of destructive and discriminatory acts; and the use of derogatory language toward members of the targeted group."[386] The Commission considers that acts amounting to sexual and gender-based violence and acts committed against children may be used to infer the specific intent for genocide. The Commission also notes that evidence of destruction of educational, religious and cultural sites could be used to infer intent to physically destroy the group.[387].

## B. Assessment of factual findings

### i. Statements of Israeli state actors

162. To analyse the genocidal intent of the Israeli authorities, the Commission refers both to statements made by members of the Israeli government (direct evidence of *dolus specialis*) and to the pattern of conduct of the Israeli authorities and Israeli security forces including during military operations, that were consistent with the sentiments of the statements of Israeli government (indirect or circumstantial evidence of *dolus specialis*).

163. As early as 7 October 2023, Israeli officials made statements that indicated their intention to destroy Palestinians in Gaza as a group. Palestinians were consistently dehumanised by Israeli officials. Furthermore, Israeli authorities made many statements that explicitly called for vengeance, destruction and annihilation. The Commission believes, having analysed the military operations of the Israeli security forces, such statements were expressed to encourage hatred toward Palestinians and violence against Palestinians. The statements were received by the Israeli security forces as an order to destroy Palestinians in Gaza and such order was indeed executed through military operations.

164. The Commission has recorded the statements of the most senior Israeli public officials, including the President, the Prime Minister, Ministers in Government,

[385] A 'culpable act' is an act that does not, in and of itself, amount to an underlying genocidal act but may be relied on as evidence to establish genocidal intent of the perpetrators. For example, even though forcible transfer is not in itself a prohibited underlying act of genocide under the Genocide Convention, such act may be relied on in assessing the genocidal intent of the perpetrators because it was an act systematically directed at the same group. (ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 190; ICTY, *Prosecutor v. Radislav Krstić,* IT-98-33-A, Judgement (Appeals Chamber), 19 April 2004, para. 33).

[386] ICTY, *Prosecutor v. Ratko Mladić,* IT-09-92-T, Judgment (volume 3), 22 November 2017, para. 3545 (citing, *inter alia*: ICTY, *Prosecutor v. Goran Jelisić,* IT-95-10-A, Judgement (Appeals Chamber), 5 July 2001, paras. 47-48; *Prosecutor v. Radislav Krstić,* IT-98-33-A, Judgement (Appeals Chamber), 19 April 2004, para. 34; *Prosecutor v. Milomir Stakić,* IT-97-24-A, Judgement (Appeals Chamber), 22 March 2006, para. 55); ICTR, *Prosecutor v. Tharcisse Muvunyi,* ICTR-00-55A-T, Judgement, 11 February 2010, para. 29; *Prosecutor v. Callixte Kalimanzira,* ICTR-05-88-T, Judgement, 22 June 2009, para. 731; *Prosecutor v. Clément Kayishema et al.,* ICTR-95-1-T, Judgement, 21 May 1999, paras. 93, 534-535 and 543; *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 523; ICTY, *Prosecutor v. Ratko Mladić,* IT-09-92-T, Judgment (volume 3), 22 November 2017, paras. 3440 and 3435. See also ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, para. 243; ICTY, *Prosecutor v. Radovan Karadžić,* IT-95-5/18-AR98bis.1, Judgement (Appeals Chamber), 11 July 2013, para. 56; *Prosecutor v. Vujadin Popović et al.,* IT-05-88-T, Judgement, 10 June 2010, para. 820; ICTR, *Prosecutor v. Sylvestre Gacumbitsi,* ICTR-2001-64-T, Judgement, 17 June 2004, para. 252; *Prosecutor v. Georges Rutaganda,* ICTR-97-20-T, Judgement, 6 December 1999, para. 61; Schabas, William A., *Genocide in International Law: The Crime of Crimes,* Cambridge University Press, 2009, pp. 265-266.

[387] ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 344.

Members of the State Security Cabinet, Members of the War Management Cabinet, Members of the Knesset, other politicians, Israeli security forces officials and commanders, and others in their official public capacity using inciting, provocative, dehumanising language on and since 7 October 2023. Their words shaped the public narrative and garnered widespread public support for their positions. Their words also affected the development and implementation of public policies and military operations.[388]

165. Israeli political and military leaders have consistently described the military operations in the Gaza Strip as "self-defence" and a "just war". Israeli political and military leaders also repeatedly stated that the attack of 7 October 2023 presented an existential threat to Israel, as justification for the decision to conduct a large-scale continuing military operation in Gaza that amounted to total war.[389] The attacks in southern Israel on 7 October 2023 were brutal war crimes but they did not pose an existential threat to the State of Israel. Israel was and is responsible for the protection of its population but the means of doing that must take account of the fact that it has taken by force and is unlawfully occupying and settling Palestinian territory by continuing violence, denying the rights of the Palestinian people to self-determination.

166. The Commission has documented repeated public messages containing incitement published by Israeli officials. Messages include calling for violence against and the killing of Palestinians, the erasure of the Gaza Strip, vengeance, collective punishment, declaring that there are no innocent civilians in the Gaza Strip, planning for new Israeli settlements on the rubble of the Gaza Strip and calling for the removal of Palestinians from Gaza to third States.[390]

167. Several statements by Israeli officials advocated for collective punishment against the Palestinian people as a whole or the population of Gaza in particular. Some statements recognised that there was a difference between civilians and combatants but urged that all Gazans should be punished for the actions of the militants on 7 October 2023. These statements considered 'Hamas' to be not only the militants but also civil and administrative officials and personnel and others who simply oppose the Israeli occupation. They regarded them all as legitimate targets of violence. Other statements made no distinction between civilians and combatants and decreed one punishment for all.

168. Statements calling on Israel to exact vengeance against Hamas were made as early as 7 October 2023. At a press conference held in the early afternoon of 7 October 2023, Prime Minister Netanyahu vowed to inflict "mighty vengeance" on "all of the places which Hamas is deployed, hiding and operating in, that wicked city, we will turn them into rubble. I say to residents of Gaza: leave now because we will operate forcefully everywhere." Although Netanyahu's statement carefully directed the call for vengeance at 'Hamas locations', his use of the phrase 'wicked city' in the same statement implied that he saw the whole city of Gaza as responsible and a target for vengeance.[391] He told Palestinians in Gaza to 'leave now because we will operate forcefully everywhere', making no distinction between combatants and civilians and knowing that Palestinians in Gaza had nowhere to go.

169. On 9 October 2023, Israel's then Defence Minister Yoav Gallant announced a complete siege on Gaza, claiming that Israel was fighting "human animals" and Israel must "act accordingly".[392] On 10 October 2023, in a speech to Israeli security forces personnel, Gallant stated, "Gaza won't return to what it was before. There will

[388] A/HRC/56/CRP.4, para. 24.
[389] A/HRC/56/CRP.4, para. 27.
[390] A/HRC/56/CRP.4, para. 33.
[391] A/HRC/56/CRP.4, para. 34.
[392] A/HRC/56/26, para. 49.

be no Hamas. We will eliminate everything. If it doesn't take one day, it will take a week. It will take weeks or even months, we will reach all places."[393]

170. On 13 October 2023, President Isaac Herzog stated, "it's an entire nation out there that is responsible. It is not true, this rhetoric about civilians who were not aware and not involved. It is absolutely not true."[394]

171. On 29 October 2023, Brigadier General David Bar Khalifa, Commander of the 36 Armoured Division, invoked divine intervention in a call for his soldiers to be guided by general vengeance in their military operation. In a handwritten letter to his soldiers, he said, "What has been will be no more! We shall go out to it [the enemy] in war, we shall pulverize every accursed plot of land from which it came, we shall destroy it and the memory of it … and we shall not return until it is annihilated, and [God] doth render vengeance to his adversaries, and doth make expiation for the land of His people… The Lord will give strength to his people, and He shall guard thy going out and thy coming in, from this time forth and forever. This is our war, today is our turn. Here we are!"[395]

172. On 3 November 2023, Prime Minister Netanyahu published a letter to the Israeli soldiers and commanders in the war, in which he wrote, "Remember what Amalek did to you... This is a war between the sons of light and the sons of darkness…We constantly remember the sights of the horrific massacre on that Simchat Torah Shabbat, October 7, 2023." The descendants of Amalek, the Amalekites, were enemies of the Israelites in the Hebrew bible. In the Book of Samuel, God tells the Israelites, 'Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey.'[396] The Commission notes that, in invoking Amalek in his speech, Netanyahu strengthened the idea that Israel's war in Gaza is akin to the holy war of total annihilation commanded against the Amalekites.[397] This would be familiar to and compelling for the many thousands of Israeli military personnel who are religious Zionists, especially for those in military units whose personnel are wholly or predominantly ultra-orthodox. Indeed, such sentiment was referred to by many following the statement of Netanyahu, including the Israeli Finance Minister, Bezalel Smotrich and Israeli soldiers who yelled and chanted direct references to Amalek as they launched attacks in Gaza.[398]

173. On 4 November 2023, Colonel Erez Eshel, a senior Israeli security forces officer, interviewed for an Israeli news channel from Beit Lahia, said, "vengeance is a great value. There is vengeance for what they did to us... in 100 years they will know that you don't mess with the Jews. It will take so many years to revive from this blow… this place will be a fallow land. They will not be able to live here."[399]

174. On 8 November 2023, a video published on X showed soldiers from the Binyamin Brigade dancing and singing, "let your villages burn". An Israeli security forces spokesperson responded to this incident, saying "The conduct of the soldiers is not consistent with the IDF's orders and its values. The incident will be investigated and dealt with accordingly through disciplinary action." On 4 January 2024, a video published on X depicted an Israeli security forces soldier with a Torah scroll in his hands stating "We are now on the ruins of Gaza, with the grace of God. These Nazis will pay the price for what they did to the people of Israel and the country of Israel. We will destroy the Hamas. Do you see this burned house? Every house here will burn. Every house had an RPG. They will pay for what they did. The people of Israel will win and God will save us from them, with the grace of God."

393 https://www.youtube.com/watch?v=l9wx7e4u-xM.
394 A/HRC/56/CRP.4, para. 38.
395 A/HRC/56/CRP.4, para. 35.
396 1 Samuel 15:3.
397 A/HRC/56/CRP.4, para. 41.
398 https://www.youtube.com/watch?v=TmE2Uv-eobQ.
399 A/HRC/56/CRP.4, para. 36.

The Commission is not aware of any disciplinary actions undertaken by the Israeli security forces against these personnel.[400]

175. On 15 August 2025, a recording of former head of Israel's Military Intelligence (who stepped down from his position in April 2024) was published by Israeli media. He stated that "the fact that 50,000 have already been killed in Gaza is necessary and required for future generations." He added that for every Israeli killed on 7 October 2023, 50 Palestinians should die, and it does not matter if they are children, noting that "they need a Nakba from time to time to feel the price."[401]

176. The Commission finds that many statements made by Israeli officials contain dehumanising sentiments that encourage hatred toward Palestinians and violence against Palestinians and are consistent with the pattern of conduct, discussed below, that point to an intent to destroy Palestinians in Gaza as a group. The Commission considers that these statements by Israeli officials are reasonably interpreted as statements expressing an intent to destroy the Palestinian group in Gaza and they have been acted on as such by Israeli security forces in the Gaza Strip. They are direct evidence of *dolus specialis*. There is also indirect or circumstantial evidence of *dolus specialis* in the pattern of conduct of Israeli political and military authorities, and in the military operations, establishing the required specific intent to commit genocide under the totality of evidence.

### ii. Pattern of conduct

177. The Commission now analyses whether the only reasonable inference that can be drawn from the pattern of conduct by the Israeli security forces in Gaza is evidence of genocidal intent. The Commission notes that Israeli authorities have claimed that their military operations in Gaza were conducted for military necessity and specifically as: (i) an exercise of self-defence in response to the 7 October 2023 attack in Israel; (ii) neutralisation of Hamas to ensure long-term security; and (iii) securing the safe release of Israeli hostages who have been detained in Gaza since 7 October 2023. In a previous report, the Commission observed that Israeli authorities consistently presented military objectives for their operations in Gaza, yet their actions and their consequences indicated other motivations, including vengeance and collective punishment.[402]

178. At the outset, the Commission notes that these events in Gaza since October 2023 have not occurred in isolation. They were preceded by decades of unlawful occupation and unlawful settlement, with racial segregation or apartheid,[403] under an ideology requiring the removal of the Palestinian population from their lands and their replacement.

179. While the Commission concluded that many statements made by Israeli officials are direct evidence expressing an intent to destroy the Palestinians in Gaza, the Commission nevertheless analysed the circumstantial evidence, taking into account the totality of the evidence, through the pattern of conduct of the Israeli authorities and the Israeli security forces. Applying the legal standard set forth by the International Court of Justice,[404] the Commission assessed all of the evidence in totality, from 7 October 2023 until 31 July 2025. The Commission concludes, based on the analysis below, that there was no military necessity to justify the pattern of conduct.

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400 A/HRC/56/CRP.4, para. 37.

401 https://x.com/btselem/status/1957097191840895466?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1957097191840895466%7Ctwgr%5Ee3dc8d71bad8e00906349ce9fd462bbf031b70b1%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.npr.org%2F2025%2F08%2F18%2Fnx-s1-5506097%2Fex-israel-military-intelligence-chief-said-50-000-gaza-deaths-necessary.

402 A/HRC/56/26, para. 101.

403 ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, paras. 225-229.

404 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p. 3,* 3 February 2015, para. 413.

### *a. Killing and causing bodily or mental harm*

180. The large number of victims killed and injured may be relevant to infer genocidal intent to destroy a group.[405] The Commission has found that the Israeli security forces have intentionally killed and seriously harmed an unprecedented number of Palestinians in Gaza since 7 October 2023 using heavy munitions. Since 7 October 2023, the Israeli security forces have been targeting civilians directly and killing them in far larger numbers compared to previous conflicts, using weapons and munitions that caused many times the number of casualties. The destruction has been more severe than anything the Palestinians in Gaza have experienced previously. This is evident in the military strategy of using unguided bombs and other heavy munitions in densely populated areas in Gaza, and the systematic and widespread targeting and destruction of civilian objects with clear knowledge that Palestinians were present therein. The methods of war and types of weapons used show a consistent pattern that caused, and was intended to cause, a large number of casualties, including deaths, of Palestinians in Gaza. It is important to note that more than 50 percent of those who were killed were women, children and elderly persons, indicating that the Israeli security forces have deliberately targeted Palestinian civilians. Additionally, Israeli intelligence officials have reportedly listed 8,900 militants from Hamas and Palestinian Islamic Jihad in Gaza as dead or probably dead as of May 2025. Considering that, at that point, 53,000 Palestinians had been killed by Israeli attacks, it means that 83 percent of those killed in Gaza were civilians.[406]

181. The Commission also assessed the conduct of the Israeli security forces and the statements made by Israeli officials on and from 18 March 2025 when Israel broke the ceasefire and resumed its military operations in Gaza. OCHA reported that more than 404 Palestinians were killed in half a single day on 18 March 2025 (as of midday), nearly sixty percent of them women and children, while more than 562 were injured.[407] Since then, there have been very high numbers of deaths and injuries, continuing the highly disproportionate ratio of women and children killed and harmed compared with men. The Commission finds that the Israeli security forces' resumption of the military operations in violation of an existing ceasefire is indicative of the Israeli authorities' intention to continue the destruction of Palestinians in Gaza as a group by killing and injuring them and inflicting conditions of life calculated to bring about their physical destruction.

182. Importantly, the Commission notes that, in many instances, soldiers also targeted and killed Palestinians during the evacuation process and within areas already designated as safe by the Israeli security forces.

183. As detailed above, the Commission also concludes that many Palestinians in and from Gaza have suffered and will continue to suffer serious long-term mental harm due to the Israeli security forces' military operations.[408]

184. The Commission notes that, in most cases, Israeli authorities did not investigate the cases where Palestinians were killed or injured due to military actions, nor did the authorities condemn the actions of the Israeli security forces personnel; in fact, Israeli authorities often shielded the military actions taken by the Israeli security forces with narratives that changed when conflicting evidence were presented.[409] In most, if not all, instances, Israeli authorities defended the Israeli security forces and claimed that Israel had always adhered to international humanitarian law when it conducts its military operations. Israeli leaders have the power to prevent and punish the crimes committed by the soldiers. The Commission

[405] ICTR, *Prosecutor v. Mikaeli Muhimana,* ICTR-95-1B-T, Judgement, 28 April 2005, para. 498.

[406] https://www.theguardian.com/world/ng-interactive/2025/aug/21/revealed-israeli-militarys-own-data-indicates-civilian-death-rate-of-83-in-gaza-war

[407] https://www.ochaopt.org/content/humanitarian-situation-update-273-gaza-strip; https://www.unwomen.org/en/news-stories/press-briefing/2025/03/press-briefing-by-un-women-on-the-collapse-of-a-gaza-ceasefire-and-its-devastating-impact-on-women-and-girls.

[408] See above, *'Causing serious bodily or mental harm to members of the group'.*

[409] For example, A/HRC/58/CRP.6, para. 150.

has not received any evidence that Israeli officials have conducted any genuine investigations into allegations of crimes committed by soldiers, air crew, naval crew or other security personnel. On the contrary, the Commission has collected evidence that Israeli officials have publicly supported the actions of military personnel and defended their conduct, hence encouraging, permitting and authorising such criminal behaviour to continue. In some cases where Israeli authorities announced the launch of an investigation, the Commission has found that these investigations were not genuine and did not lead to accountability.

185. Importantly, Israeli authorities have repeatedly attempted to change the narratives of incidents by concealing information. For example, in relation to the 23 March 2025 incident in which Israeli forces killed first responders in the Tal as-Sultan area and attempted to bury the evidence, the Commission notes that it was five days after the incident, and only when the rescue team had discovered one of the bodies of the first responders, that Israel issued a statement, claiming that the vehicles had been suspicious and that the Israeli security forces had eliminated several Hamas terrorists. On 31 March 2025, one day after the other 14 bodies were found, an Israeli military spokesperson claimed that the Israeli security forces had opened fire at uncoordinated vehicles that were identified advancing suspiciously without headlights or emergency signals, adding that a total of nine Palestinian militants had been eliminated. Notably, these assertions were subsequently proven false (i) upon the publication of a video that was taken by a first responder in the convoy before he was killed; and (ii) through the corroborative statements provided by witnesses. After the publication of the video an Israeli military official admitted that "the person who gives *[sic]* the initial account is mistaken"[410] and that investigation was continuing. The Commission has found that the lack of transparency and delay in the Israeli authorities' reaction and action are indicative of their intention not only to deflect responsibility for a crime that their forces attempted initially to conceal but, coupled with the constant denial of the facts, also of their intention to continue to conceal information and to continue their military operations.

186. Taking into account the mass killings of Palestinians in Gaza, the resulting serious bodily and mental harm, and the lack of accountability, the Commission finds that there is a consistent pattern that clearly shows the intent to physically destroy Palestinians in Gaza as a group.[411]

***b. Destruction of cultural, religious and educational structures and facilities***

187. The extensive and systematic destruction of Palestinian homes and structures in Gaza, including agriculture lands and other properties that are indispensable to Palestinian life, also supports the conclusion that the military operations were part of the intent to destroy Palestinians in Gaza.

188. Importantly, the destruction of cultural and religious sites[412] is relevant to infer genocidal intent, even though such acts do not necessarily constitute an underlying act of genocide under article II of the Genocide Convention.[413] The Commission has found, in a previous report, that the damage to historical buildings, monuments and other tangible heritage in Gaza signified a clear disregard for the Palestinian people's religious beliefs, culture and heritage.[414] The Commission has

[410] https://www.reuters.com/world/middle-east/israeli-military-changes-initial-account-gaza-aid-worker-killings-2025-04-06/; https://www.theguardian.com/world/2025/apr/06/israeli-military-admits-initial-account-of-palestinian-medics-killing-was-mistaken; https://www.idf.il/286233; https://www.davar1.co.il/592165/.

[411] See ICTY, *Prosecutor v. Zdravko Tolimir,* IT-05-88/2-A, Judgement (Appeals Chamber), 8 April 2015, para. 249.

[412] See above, para. 91.

[413] ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 344.

[414] A/HRC/59/26, para. 87.

found that these acts constitute war crimes, including (i) intentionally directing attacks against buildings dedicated to religion and education and historic monuments; and (ii) intentionally directing attacks against civilian objects that are not military objectives or justified by military necessity, or not imperatively demanded by the necessities of the conflict.[415]

189. The Commission has noted the systematic and widespread attack on religious, cultural and education sites throughout Gaza since 7 October 2023, and has found that these attacks have caused extensive and, in many cases, irreparable damage to the sites. The Commission has found that these attacks were aimed at causing irreversible harm to Palestinians in Gaza by destroying elements of the Palestinian people's identity and erasing Palestinian culture from Gaza.

***c. Siege, starvation and the blocking of humanitarian aid***

190. The Commission finds that Israel used starvation as a method of warfare by imposing a total siege on Gaza and blocking humanitarian aid from entering into Gaza. The effects of the siege on Palestinians in Gaza, who were already heavily reliant on aid prior to 7 October 2023, have been dire, leading to warnings by experts and international bodies, including the International Court of Justice. It is important to note that Palestinians in Gaza have continued to suffer the effects of the total siege, which encompassed the cutting of food and water, fuel, electricity and medical supplies into Gaza, even after occasions when Israel permitted very limited humanitarian aid to enter. At no time has the aid been adequate to sustain life in Gaza. The denial of entry for special infant milk, resulting in the starvation of new-born and young infants, is especially powerful evidence of an intention to destroy the population.

191. The Commission finds that Israel has failed to enable and ensure the unhindered provision of urgently needed basic services and humanitarian assistance at scale, as well as medical supplies and medical care, to the Palestinians in the Gaza Strip. Israeli authorities have been aware, through various reports and warnings by UN agencies, human rights organisations and the International Court of Justice orders, of the imminent risks of malnutrition and starvation in Gaza. The Commission reiterates that, through the *Food Consumption in the Gaza Strip - Red Line* document, Israeli authorities are aware of the amount of calories needed by Palestinians in Gaza to avoid malnutrition[416] The Commission therefore finds that the action to allow some humanitarian aid into Gaza since 7 October 2023, but not at-scale, was a façade by the Israeli authorities to show the international community that the Israeli authorities had allowed a minimal amount of aid into Gaza, while continuing to (i) impose starvation and inhumane living conditions on the Palestinians; and (ii) physically targeting Palestinians in Gaza.

192. It is important to note the provisional measures ordered by the International Court of Justice in the *South Africa v. Israel* case under the Genocide Convention and Israel's reaction to such orders. As early as 26 January 2024 the International Court of Justice considered that the "catastrophic humanitarian situation in the Gaza Strip is at serious risk of deteriorating further before the Court renders its final judgment".[417] The International Court of Justice ordered Israel to "take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance" in Gaza.[418] Strict limitations on and interference with the entry of humanitarian assistance and attacks on humanitarian convoys continued after the order. Some of the attacks resulted in casualties or destruction of aid. For example, in an incident reported by UNRWA on 5 February 2024, an UNRWA food

[415] A/HRC/59/26, para. 89.

[416] https://www.gisha.org/UserFiles/File/publications/redlines/red-lines-presentation-eng.pdf; https://www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf; https://www.bbc.com/news/world-middle-east-19975211. See above, para. 113.

[417] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 26 January 2024, para. 72.

[418] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 26 January 2024, para. 80.

convoy of 10 trucks was traveling along Al Rashid Road from south to northern Gaza and was hit by Israeli security forces naval gunfire.[419]

193. On 28 March 2024, the International Court of Justice issued a second order on provisional measures.[420] The International Court of Justice observed that, since it had issued the first order on provisional measures on 26 January 2024, the "catastrophic living conditions" in Gaza had deteriorated further, particularly the prolonged and widespread deprivation of food and basic necessities.[421] The International Court of Justice observed that Palestinians in Gaza were no longer facing only a risk of famine but that "famine is settling in".[422] The International Court of Justice ordered Israel to take all necessary and effective measures to "ensure", without delay, in full co-operation with the United Nations, the unhindered provision of urgently needed basic services and humanitarian assistance, as well as medical supplies and medical care. This is a much stronger order than that for the first provisional measures, which only ordered Israel to "enable" the provision of these services and this assistance. Far from cooperating with the United Nations, however, Israel responded by proscribing and excluding the principal UN agency providing aid and humanitarian assistance, UNRWA. The International Court of Justice also ordered that the Israeli military "not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Genocide Convention", including by preventing the delivery of urgently needed humanitarian assistance.[423]

194. On 24 May 2024, the International Court of Justice issued a third order on provisional measures.[424] The International Court of Justice noted that the catastrophic humanitarian situation in the Gaza Strip had deteriorated and "is now to be characterized as disastrous".[425] The International Court of Justice ordered Israel to "immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part".[426] The International Court of Justice also ordered Israel to take effective measures to ensure the unimpeded access to the Gaza Strip of "any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigation allegations of genocide".[427] The Commission notes that it is a UN-mandated investigative body to which this order applied. However, to date, Israel has not responded to the Commission's request to access Gaza to conduct its investigations therein.

195. As the pattern of conduct shows, Israel has had no intention to alleviate the suffering of the Palestinians and instead implemented a total and partial siege of Gaza. On the contrary, and despite numerous warnings, including those that emanated from the International Court of Justice through its provisional measures orders that are binding on Israel, Israeli authorities have not only failed to facilitate the unimpeded access of humanitarian aid into Gaza, but they have continued the

[419] A/HRC/56/CRP.4, para. 237.

[420] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 28 March 2024.

[421] ICJ, Application *of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 28 March 2024, para. 18.

[422] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 28 March 2024, para. 21.

[423] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza* Strip *(South Africa v. Israel),* Order, 28 March 2024, para. 45.

[424] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza* Strip *(South Africa v. Israel),* Order, 24 May 2024.

[425] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza* Strip *(South Africa v. Israel),* Order, 24 May 2024, para. 28.

[426] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza* Strip *(South Africa v. Israel),* Order, 24 May 2024, para. 50.

[427] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 24 May 2024, para. 51.

restriction or total blockade of humanitarian aid, including food and water, fuel and power, medical supplies and equipment and other essential items and services from entering into Gaza. While they have permitted some humanitarian aid to enter Gaza at some stages, intermittently, such action was short-lived, insufficient and often severely restricted through stringent security checks. Palestinians have been targeted and killed when they were trying to obtain humanitarian assistance from aid trucks. Tellingly, from 2 March 2025 to 19 May 2025, Israel did not permit any food, water, fuel, medicine or any commercial supplies into Gaza, despite repeated calls for the allowance of humanitarian aid into Gaza, including by the UN Secretary-General and several Member States.

196. On 19 May 2025, after 11 weeks of complete blockade, Israel eventually permitted a few aid trucks to enter Gaza. According to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, this was merely "a drop in the ocean of what is urgently needed".[428] Furthermore, the aid that was permitted to enter was "cherry-picked" by the Israeli authorities and did not include all types of aid desperately needed by the Palestinians.[429] By 22 June 2025, OCHA reported that nearly 9,000 metric tonnes of wheat flour were brought into Gaza since 19 May, most of it was taken by people in need of aid en-route, and in some cases by armed elements, before reaching its final destinations.[430] Since then, humanitarian aid has been extremely restricted by Israeli authorities and requests for humanitarian access have been repeatedly denied.[431]

197. The intention of the Israeli authorities to continuously impose starvation and unliveable conditions of life for Palestinians in Gaza is also evident through the establishment and use of the GHF to maintain total control over aid distribution in Gaza. Notably, the GHF does not distribute any essential items other than food, and all four distribution sites are in militarised zones, none of which is situated in northern Gaza, making it extremely difficult – and at times, impossible – for many Palestinians to access food.[432] Notably, on 29 July 2025, the IPC warned that the worst-case scenario of famine is currently playing out in the Gaza Strip, and on 22 August 2025, the IPC FRC stated that the man-made famine is currently occurring in Gaza Governorate, and projected that famine thresholds would be crossed in Deir al-Balah and Khan Younis Governorates "in the coming weeks."[433] Furthermore, since the GHF took over aid distribution in Gaza, at least 859 Palestinians were killed, mostly by the Israeli military, in the vicinity of GHF distribution sites as of 31 July 2025. [434] The Commission notes that its investigation into the incidents at GHF sites is ongoing.

198. Importantly, the Commission finds a connection between the laws voted by the Knesset in October 2024 intended to cripple UNRWA's operations in Gaza, and the establishment of the GHF in 2025 intended to control the distribution of food aid in Gaza. Both represent interconnected political and politicised measures of the Israeli authorities undertaken to block and obstruct trusted aid agencies and maintain complete Israeli dominance over the Palestinians' access to essential and life-saving

428 https://www.ungeneva.org/en/news-media/news/2025/05/106482/un-relief-chief-welcomes-limited-gaza-aid-resumption-its-drop-ocean.

429 https://media.un.org/unifeed/en/asset/d340/d3400864.

430 https://www.unocha.org/publications/report/occupied-palestinian-territory/gaza-humanitarian-response-update-8-21-june-2025.

431 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf.

432 https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-humanitarian-community-calls-end-GHF; https://podcasts.apple.com/nl/podcast/battle-lines/id1712903296?i=1000718943988; https://www.theguardian.com/global-development/2025/jul/22/food-aid-gaza-deaths-visual-story-ghf-israel.

433 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf; https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_Aug2025.pdf. See above, *'Stopping entry of humanitarian aid, electricity, water and fuel supplies to Gaza',* para. 124.

434 https://reliefweb.int/report/occupied-palestinian-territory/killings-palestinians-seeking-food-gaza-continue-starvation-deepens-enar.

aid and, ultimately, bring about the physical destruction of the Palestinians in Gaza through unliveable conditions of life in the Gaza Strip.

199. Far from enabling and ensuring the provision of aid, the Israeli security forces have continued to prevent the entry of all humanitarian assistance to Gaza and to target humanitarian aid convoys and aid workers inside Gaza, in flagrant disregard of the International Court of Justice's orders.[435]

200. Furthermore, Israeli authorities are aware that Palestinians in Gaza, almost 80 percent of whom are from families that were previously forced to flee to Gaza as refugees, are now trapped in Gaza and have nowhere to flee outside Gaza, even if they wanted to do so. The entrapment of the Palestinian population in Gaza has had increasingly severe consequences as the fighting has continued and is now more destructive than ever. On 5 May 2025, the Israeli Security Cabinet decided on 'an intense operation' in Gaza, allegedly to defeat Hamas and return Israeli hostages. Prime Minister Benjamin Netanyahu and Defence Minister Israel Katz stated that the operation will involve "moving the population for its protection" to southern Gaza and that the Israeli security forces will not leave areas which it will take over.[436] Between 5 and 21 May 2025, the Israeli security forces carried out hundreds of airstrikes in Gaza, purportedly against 'terror targets'.[437] Their ground operations escalated greatly on 18 May 2025.[438] As a result, approximately 161,000 Palestinians were displaced between 15 and 21 May 2025.[439] UNRWA noted that, as of 1 August 2025, at least 1.9 million people have been internally displaced since October 2023, which represents about ninety percent of the 2.1 million people in Gaza.[440] This includes 767,000 people displaced since 18 March 2025.[441] As of July 2025, 87.7 percent of the Gaza Strip is within Israeli-militarised zones and/or placed under displacement orders.[442]

201. The Commission highlights that, since the beginning of the Israeli military operations in October 2023, the attacks against Palestinians and the creation of unbearable conditions of life in Gaza were imposed by Israeli authorities on the population with the knowledge and awareness that Palestinians were trapped therein and are unable to escape. This makes Gaza unique among war zones this century. The mass killing, bombing, shelling and other violence have continued and Palestinians in Gaza have had no way to escape it, either inside Gaza or by crossing an international border. The Israeli military has prevented them escaping from the violence into Israel, from where most of their families fled, or Egypt. They can only remain, facing death and increasingly deteriorating conditions of life. This situation infers a clear intent on the part of the Israeli authorities to trap Palestinians in Gaza,

435 https://www.oxfam.org/en/press-releases/israel-government-continues-block-aid-response-despiteicj-genocide-court-ruling.

436 https://www.kan.org.il/content/kan-news/defense/896836/; https://www.israelhayom.co.il/news/defense/article/17911119. See also https://www.ynet.co.il/news/article/sjxfeoblgg; https://13tv.co.il/item/news/politics/security/q5kij-904567886/; https://www.theguardian.com/world/2025/may/05/israel-expand-military-operations-gaza.

437 https://www.idf.il/296163; https://www.idf.il/296433; https://www.idf.il/295057; https://www.idf.il/295207; https://www.idf.il/295739; https://www.idf.il/295865; https://www.idf.il/295993; https://www.idf.il/296234; https://www.idf.il/202759.

438 https://www.idf.il/296163; https://www.idf.il/295993.

439 https://www.ochaopt.org/content/humanitarian-situation-update-290-gaza-strip.

440 https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip-and-west-bank-including-east-jerusalem#:~:text=According%20to%20the%20UN%2C%20at,some%2010%20times%20or%20more.

441 https://www.unrwa.org/resources/reports/unrwa-situation-report-182-situation-gaza-strip-and-west-bank-including-east-jerusalem.

442 https://www.un.org/unispal/document/gaza-ocha-warns-mass-displacement-order-yet-another-blow-to-fragile-lifelines/#:~:text=With%20this%20latest%20order%2C%20the,where%20essential%20services%20have%20collapsed.

creating such conditions that would prohibit them from escaping and ultimately lead to their destruction.

202. The Commission finds that, in relation to the total siege, the following factors indicate the Israeli authorities' intention to impose conditions of life calculated to bring about physical destruction of the Palestinian group in Gaza: (i) the nature of the siege imposed, its duration and the vulnerability of Palestinians in Gaza who are dependent on the humanitarian aid blocked by Israel; (ii) the awareness of the objective probability that their conduct would lead to the destruction of Palestinians in Gaza as a group; (iii) the continuation of blockade despite warnings, including the flagrant disregard of binding orders of the International Court of Justice; and (iv) the entrapment of Palestinians in Gaza, ensuring they cannot escape the violence and eventual destruction of the group.

203. Based on the above, the Commission concludes that the conduct of the Israeli authorities indicates the intention to destroy the Palestinian group in Gaza through starvation and the blocking of humanitarian aid into Gaza.

***d. Targeting of the healthcare system***

204. As detailed above, Israel has implemented a concerted policy to destroy the healthcare system of Gaza. Israeli security forces have attacked healthcare facilities and units in Gaza and deliberately killed, wounded, arrested, detained, mistreated and tortured medical personnel since October 2023.[443] Eventually, the healthcare system in Gaza collapsed. As of 24 June 2025, only 36 percent of health facilities remain functional (all partially except one field hospital that is fully functional).[444] As of 7 May 2025, 180 ambulances had been attacked.[445] The attacks against the healthcare system in Gaza persisted after the ceasefire, and hospitals continued to be attacked by the Israeli security forces.

205. Israel's concerted policy to systematically destroy healthcare facilities and its attacks against healthcare professionals have forced Palestinians to live without access to crucial medical care, therefore killing many Palestinians and causing further irreparable harm, both physical and mental, to many others. Israeli authorities continued their chokehold on the Palestinians in Gaza by blocking medical equipment, supplies and medicine from entering Gaza and, at the same time, prevented Palestinians in need of medical assistance from leaving Gaza. Many doctors and healthcare professionals have told the Commission that patients have died due to the collapse of the healthcare system in Gaza. For example, cancer patients have died due to the lack of adequate treatment,[446] and at times, it was impossible to perform surgeries since 7 October 2023 due to the lack of proper facilities.

206. The hardship faced by Palestinians was further compounded by the Israeli authorities' refusal to grant Palestinians in Gaza permits to leave for medical treatment in hospitals in the West Bank, including East Jerusalem, or elsewhere.[447] As a result, many Palestinians, including those who already required medical care prior to the current conflict (such as cancer patients), could not obtain medical assistance.

207. The Commission highlights the reproductive violence inflicted upon Palestinian women in Gaza. Specifically, the Commission notes the destruction of the Al-Basma IVF clinic, the largest fertility centre in Gaza. This facility was intentionally targeted and destroyed by the Israeli security forces, knowing that the result of such conduct would be the prevention in part of reproduction of Palestinians

[443] See above, *'Killing members of the group'* and *'Destruction and denial of access to medical facilities and units'.*

[444] https://www.unocha.org/publications/report/occupied-palestinian-territory/gaza-humanitarian-response-update-8-21-june-2025.

[445] https://www.ochaopt.org/content/humanitarian-situation-update-288-gaza-strip.

[446] A/79/232, para. 24.

[447] See above, para. 106.

in Gaza. The Commission has found that the destruction of the clinic was an act of reproductive violence that was not only conducted to physically and mentally harm Palestinians but was also calculated to prevent births of Palestinians in Gaza, and to destroy Palestinians in Gaza as a group, in part. The Commission finds that the attack was intended to destroy the future of Palestinians, the growth of the group and their very existence.

208. The Commission finds that the Israeli authorities were aware that, by destroying the healthcare system throughout Gaza, their actions would lead to the destruction of Palestinians as a group. Not only did the Israeli security forces destroy the healthcare system, but Israeli security forces continued to kill and harm Palestinians while intentionally obstructing them from trying to access much needed medical assistance and facilities. Therefore, the Commission concludes that the systematic and complete destruction of the healthcare system in Gaza, the siege-induced deprivation of medical necessities to Palestinians and the denial of medical exit visas to Palestinians who were most in medical need were part of the intent to destroy Palestinians in Gaza by preventing their capacity and possibility to heal, recover and live.

***e. Sexual and gender-based violence***

209. The Commission finds that Israeli security forces have perpetrated sexual and gender-based violence against Palestinians in Gaza since 7 October 2023, including rape, sexualised torture and other forms of sexual violence. As detailed above, such conduct has been widespread and systematic and has resulted in in gender-specific harms.[448] For example, Palestinian men and boys were subjected to sexual assaults, including rape, while the women were often severely humiliated, leaving a particular and severe negative psychological impact on them.

210. The Commission has heard from many Palestinian victims who were subjected to sexual and gender-based violence while in detention. For example, Israeli security forces beat male detainees and attacked the detainees' genitals, often while the detainees were naked. One detainee, for example, stated that he had been beaten, and his genitals had been kicked so severely that he had vomited and lost consciousness.[449] Similarly, Israeli security forces used sexual assault and harassment against female detainees during detention. For example, some female detainees were photographed without their consent and in degrading circumstances, including in their underwear in front of male soldiers, and these photographs were often posted by Israeli security forces on public social media.[450]

211. Israeli security forces committed acts of sexual violence not only to profoundly degrade the direct victims, but also to publicly humiliate the Palestinians as a group. This is evident through the Israeli soldiers' social media content where they blatantly showed themselves committing acts to dehumanise Palestinians.

212. Sexual and gender-based violence against Palestinians caused not only physical harm but also severe mental harm through extreme degradation and humiliation of the victims which occurred from the moment of arrest and throughout detention, including during interrogations and searches. Importantly, the nature and scale of these acts do not support and cannot justify Israel's claims that its military operations were conducted in self-defence, to defeat Hamas and other Palestinian armed groups, or to secure the release of Israeli hostages.

213. The sexual nature of the attacks caused severe and extreme physical and psychological harm to the victims which will affect generations of Palestinians. The Commission finds that sexual and gender-based violence is instrumentalised not only as punishment against the individuals, but as part of a pattern of collective punishment to fracture, humiliate and subjugate the Palestinian population in its entirety. The Commission therefore finds that the widespread use of sexual and

[448] See above, *'Serious harm caused by severe mistreatment'*.
[449] A/79/232, para. 64.
[450] See A/HRC/56/CRP.4, paras. 381 and 383.

gender-based violence against Palestinians in Gaza indicates the intent to destroy Palestinians as a group.

### *f. Direct targeting of children*

214. The Commission reiterates that, from 7 October 2023 to 31 July 2025, out of 60,199 Palestinians who were killed, 18,430 were children, and tens of thousands of other children have been injured, physically and psychologically.[451] Furthermore, Save the Children reported that more children have been killed in the first week after Israel resumed its military operations in Gaza on 18 March 2025 compared to any other week since 7 October 2023.[452] In June 2024, UNRWA Commissioner-General reported that, each day on average since 7 October 2023, 10 children have lost one or both legs and that their amputations have mostly been conducted without anaesthesia due to the prevention of medical supplies entering into Gaza.[453]

215. Importantly, the Commission has found that children have been directly targeted in various ways by the Israeli security forces since 7 October 2023, including during evacuations, at shelters, and more recently at GHF distribution sites. Medical professionals told the Commission that they have treated children with direct gunshot and sniper wounds, often to the head and abdomen, indicating that the Israeli security forces have intentionally targeted children during their military operations in Gaza. In relation to the attacks along the evacuation routes and within designated safe areas, the Commission found that the Israeli security forces had clear knowledge of the presence of Palestinian civilians, including children. Nevertheless, Israeli security forces shot at and killed civilians, including children who were holding makeshift white flags.[454] Some children, including toddlers, were shot in the head by snipers.[455]

216. Medical professionals treated many children with direct gunshot wounds to their head and upper body, indicating the children were shot by snipers or drones or quadcopters. Medical professionals were informed by parents that the children were alone when they were shot or that the adults who were with the children were completely unharmed. The Commission refers to a poll conducted among 65 volunteer healthcare workers who shared their experiences in Gaza since October 2023, the results of which were published in The New York Times. According to the poll, out of 53 healthcare workers who frequently treated children in an emergency context in Gaza, 44 doctors, nurses and paramedics saw multiple cases of preteen children who had been shot in the head or chest.[456] For example, one surgeon stated that, in the course of four hours, he saw "six children between the ages of 5 and 12, all with single gunshot wounds to the skull." An anaesthesiologist stated that he saw many children and "the gunshot wound was often to the head. Many had non-curable, permanent brain damage. It was almost a daily occurrence to have children arrive at the hospital with gunshot wounds to the head." The Commission also highlights that, according to the poll, out of 62 healthcare workers who regularly worked with children during their time in Gaza, 52 doctors, nurses and paramedics observed nearly universal psychiatric distress in young children and saw some who were suicidal or said they wished they had died. An orthopaedic and hand surgeon stated, "Many said that they wished the next bomb would just hit them to put an end to their torture."

217. In relation to the direct targeting of children at GHF sites, as noted above, several doctors told the Commissioners that they have treated many Palestinian

451 https://www.ochaopt.org/content/humanitarian-situation-update-311-gaza-strip.

452 https://x.com/Save_GlobalNews/status/1904477090855919962.

453 https://www.unognewsroom.org/teleprompter/en/2242/unrwa-press-conference-update-on-the-occupied-palestinian-territory-25-june-2024/6749.

454 A/HRC/56/CRP.4, para. 428; https://www.aljazeera.com/news/2024/1/29/two-brothers-shot-by-israeli-forces-in-khan-younis-white-flag-ignored; https://www.itv.com/news/2024-02-02/gaza-two-young-brothers-shot-dead-while-carrying-white-flag

455 For example, A/HRC/56/CRP.4, paras. 130, 213.

456 https://www.nytimes.com/interactive/2024/10/09/opinion/gaza-doctor-interviews.html.

children who were shot at GHF sites, including a one-and-a-half-year-old girl who was shot while she was in her mother's arms.

218. There is a clear pattern of conduct since 7 October 2023 showing that the Israeli security forces directly targeted children in different circumstances with the intention to kill them. In all the cases investigated by the Commission, none of the children posed any threat to the Israeli security forces. The targeting of children is relevant to infer the genocidal intent of the Israeli authorities, because (i) the extensive and deliberate targeting of Palestinian children shows that the military operations were not conducted solely to defeat Hamas and other Palestinian armed groups, nor can they legitimately contribute to the other stated goals of defending the state of Israel and securing the release of Israeli hostages; and (ii) the direct and intentional targeting of Palestinian children was intended to physically destroy the group by eliminating not only today's children but the possibility of them having children in future.[457]

219. The Commission therefore finds that the widespread and systematic targeting of children is part of a strategy to destroy the biological continuity and future existence of the Palestinian group in Gaza, thus part of the intent to destroy Palestinians in Gaza.

### C. Conclusion

220. On the basis of fully conclusive evidence, the Commission finds that statements made by Israeli authorities are direct evidence of genocidal intent. Additionally, on the basis of circumstantial evidence, the Commission finds that genocidal intent was the only reasonable inference that could be drawn based on the pattern of conduct of the Israeli authorities. Thus, the Commission concludes that the Israeli authorities and Israeli security forces have the genocidal intent to destroy, in whole or in part, the Palestinians in the Gaza Strip.

## V. Direct and public incitement to commit genocide

221. Direct and public incitement to commit genocide is an act punishable under article III(c) of the Genocide Convention. For an act to constitute direct and public incitement to genocide, the perpetrator needs to have 'directly and publicly' incited the commission of genocide and intended to do so. Therefore, the incitement is criminal in itself. It need not lead to the commission of any genocidal act but it needs to be understood by the audience as a "call to commit genocide."[458]

222. Direct and public incitement to commit genocide may be expressed through speeches or other verbal communication, written or printed or social media material, or audio-visual medium.[459] The Commission notes that consideration must be given to several factors, including the social and cultural context in which the acts took place and their potential impact on the intended audience.[460]

223. In relation to the *actus reus*, 'direct incitement' does not necessarily require such incitement to be explicit, but it must amount to a specific provocation of others to commit genocide, even if implicit, and it may not be vague suggestions.[461] The 'directness' of the incitement should take into account the cultural and linguistic

[457] See ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar),* Joint Declaration of Intervention of Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland, 15 November 2023, paras. 68-69.

[458] ICTR, *Prosecutor v. Édouard Karemera et al.,* ICTR-98-44-T, Judgement and Sentence, 2 February 2012, para. 1593.

[459] ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 559.

[460] ICTR, *Prosecutor v. Pauline Nyiramasuhuko et al.,* ICTR-98-42-A, Judgement (Appeals Chamber), 14 December 2015, para. 2678; *Prosecutor v. Ferdinand Nahimana et al.,* ICTR-99-52-A, Judgement (Appeals Chamber), 28 November 2007, para. 700.

[461] ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 557.

content, and whether the audience of such incitement understood its implication.[462] 'Public incitement' means that the incitement should occur "in a public place or to members of the general public at large by such means as the mass media, for example, radio or television."[463] Social media would also be considered a public place.

224. In relation to the *mens rea*, it must be established that the perpetrator intends to "directly prompt or provoke another to commit genocide" and the perpetrator must possess the specific intent that genocide be committed.[464]

225. The Commission has documented numerous statements, and assessed select key statements from three Israeli officials within the context of article III(c) of the Genocide Convention. The Commission assessed the statements of the Israeli President, as the Head of State, and of the Prime Minister and the Defence Minister, two of the highest positions in the Israeli government and military chain of command. There have been many other statements, some stronger and clearer than those below, made by other Israeli politicians, including members of the Cabinet or the smaller Security Council or the War Cabinet, by religious figures and by media personnel.[465] This discussion focuses only on statements by the three most senior political leaders.

226. On 9 October 2023, Israel's then Defence Minister Yoav Gallant announced a complete siege on Gaza, claiming that Israel was fighting "human animals" and must "act accordingly".[466] On 10 October 2023, in a speech to Israeli security forces personnel, Gallant further stated, "Gaza won't return to what it was before. There will be no Hamas. We will eliminate everything. If it doesn't take one day, it will take a week. It will take weeks or even months, we will reach all places."[467]

227. On 13 October 2023, President Isaac Herzog stated, "it's an entire nation out there that is responsible. It is not true, this rhetoric about civilians who were not aware and not involved. It is absolutely not true. They could have risen up. They could have fought against that evil regime which took over Gaza in a coup d'état."[468]

228. Prime Minister Netanyahu invoked Amalek through a televised address on 28 October 2023, stating, "You must remember what Amalek has done to you, says our Holy Bible. And we do remember and we are fighting. […] Our hero troops, they have one supreme main goal: to completely defeat the murderous enemy and to guarantee our existence in this country. We've always said never again. Never again is now."[469] Similarly, in a letter to the Israeli soldiers and commanders in the war on 3 November 2023, Netanyahu stated, "Remember what Amalek did to you... This is a war between the sons of light and the sons of darkness. We will not let up on our mission until the light overcomes the darkness."[470] The speech of 28 October 2023 was posted on YouTube and was circulated on other social media platforms; on YouTube alone, the video has garnered more than 72,000 views as of April 2025.

229. The Commission notes that, in assessing the statements of the Israeli officials, it must take into account the context in which they were provided. It is therefore important to note that the statements were provided after the 7 October 2023 attacks in Israel, after Israeli forces launched military operations in Gaza. The statements were not only dehumanising and expressing hatred toward Palestinians, but they included a direct reference to what Israel's retaliatory action should entail by reminding Israeli soldiers of the story of Amalek and the Amalekites who had

462 ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 557.
463 ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 556.
464 ICTR, *Prosecutor v. Jean-Paul Akayesu,* ICTR-96-4-T, Judgement, 2 September 1998, para. 560.
465 See, for example, https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/.
466 A/HRC/56/26, para. 49.
467 https://www.youtube.com/watch?v=l9wx7e4u-xM.
468 A/HRC/56/CRP.4, para. 38.
469 https://www.youtube.com/watch?v=lIPkoDk6isc.
470 A/HRC/56/CRP.4, para. 41.

persecuted the Israelites, according to the bible. In the Book of Samuel, God tells the Israelites, 'Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey.'[471] The invocation of Amalek had particular resonance for religious Zionist military personnel, of whom there are now many thousands in the Israeli security forces.

230. In relation to Gallant's speech, the Commission notes that he reiterated the phrase 'human animals' on 10 October 2023 in his speech to the soldiers but, this time, Gallant referred to Hamas fighters as 'human animals'. The Commission finds that the speech on 9 October 2023, which was given within the context of a total siege and blockade of supplies and aid, was directed at the entire population in Gaza and would reasonably be heard and understood as such. Furthermore, the Commission also finds that Gallant called for collective punishment through a total siege and blockade of humanitarian aid and other supplies on 9 October 2023, as he specifically told soldiers a day later that "we will eliminate everything". The Commission therefore finds that these statements were not expressed strictly within the context of the siege but evince the direct intention to commit genocide by publicly calling for the elimination of Palestinians in Gaza.

231. The Commission notes that the statement of President Isaac Herzog did not expressly call for the genocide of the Palestinian people in Gaza. However, the statement must be assessed in the context of the beginning of a war where the Israeli security forces had just initiated their military operations in Gaza. Hence, the statement that an entire nation is responsible for the attack of 7 October 2023 may reasonably be interpreted as incitement to the Israeli security forces personnel to target the Palestinians in Gaza as a group as being collectively culpable for the 7 October 2023 attack in Israel. Herzog later stated that "there are many, many innocent Palestinians who don't agree" with actions of Hamas. However, the Commission considers that the later clarification was provided to deflect responsibility for the initial statement. The Commission finds that, in the initial statement of 13 October 2023, Herzog was unequivocally clear that all civilians in Gaza were aware of and involved in and responsible for Hamas' actions. According to Herzog, if the civilian population did not agree with such actions, they could have risen and fought against Hamas; therefore, according to Herzog, because the civilians did not rise against Hamas, they were all equally responsible. Notably, the slogan that "there are no uninvolved" in Gaza was subsequently proclaimed by soldiers deployed to Gaza and echoed in several public places.[472] Amnesty International reported a photograph that shows the slogan in Hebrew on an Israeli military watchtower in the West Bank, with the words "Destroy Gaza" in English under the slogan.[473]

232. While the direct and public incitement to commit genocide is a crime in itself, whether anyone acts on it or not, the Commission nevertheless refers to the actions of the Israeli security forces personnel on the ground in Gaza who could be seen celebrating their conduct in demolishing Palestinian properties. Israeli officials often failed to investigate the misconduct of soldiers, and the misconduct of the soldiers on the ground was largely unpunished. These failures establish that actions and misconduct of the Israeli security forces were fully consistent with the orders they had received and reflected the true motivation of the military operation. The Commission therefore concludes on reasonable grounds that these statements not only permitted the Israeli security forces personnel to continuously disregard their obligations under international law but further fuelled the soldiers to kill and injure Palestinians in Gaza as revenge for the attack of 7 October 2023 in Israel.

[471] 1 Samuel 15.3 New Revised Standard Version translation.

[472] For example, https://www.instagram.com/p/C0iu9ZJoouQ/; https://youtube.com/shorts/7pc2bL8tTCo?si=P27ZCaIckiqBCgw9.

[473] https://www.amnesty.org/en/documents/mde15/8668/2024/en/, p. 254.

233. As such, the Commission concludes that the 'direct and public incitement to commit genocide' under article III(c) of the Genocide Convention is established in relation to the abovementioned speeches and statements of Israeli President Isaac Herzog, Prime Minister Benjamin Netanyahu and then Defence Minister Yoav Gallant. The Commission has not fully assessed statements by other Israeli political and military leaders, including Minister for National Security Itamar Ben-Gvir and Minister for Finance Bezalel Smotrich, and considers that they too should be assessed to determine whether they constitute incitement to commit genocide.

# VI. Legal consequences on States and their obligations

## A. State of Israel

234. Pursuant to the Genocide Convention, a State Party is obliged to prevent genocide, not to commit or incite the commission of genocide, and to punish genocide. A State is responsible for an act or omission of an organ whose conduct is attributable to that State, for its failure to prevent genocide, for the commission of or incitement to genocide, or its failure to punish the commission of genocide. The Commission refers to the ILC Articles on Responsibility of States for Internationally Wrongful Acts ("ILC Draft Articles") and notes that the conduct of any State organ shall be considered an act of that State under international law.[474] The International Court of Justice has confirmed that this rule is of a customary character and so binds all States.[475]

235. An organ of a State may be an entity or a person, including an individual office holder, a department, a commission or other body exercising public authority, including the military generally or a specific military unit. To be considered an organ of a State, the meaning of 'entity' and 'person' shall be construed in the most general sense, which includes, but is not limited to, "organs of the central government, […] officials at a high level or […] persons with responsibility for the external relations of the State. It extends to organs of government of whatever kind or classification, exercising whatever functions, and at whatever level in the hierarchy, including those at provincial or even local level."[476] State responsibility may be incurred if a State organ commits an internationally wrongful act in its official capacity.

236. The Commission notes that, unlike in the *Bosnia v. Serbia* case, there is no international criminal tribunal that has yet made findings on the individual criminal responsibility for the crime of genocide in this situation. However, the Commission notes that State responsibility under the Genocide Convention is not dependent on a finding of guilt of an individual under international criminal law.

237. As discussed above, Israeli security forces personnel carried out the physical acts of genocide (articles II(a)-(d) of the Genocide Convention) on the instructions and under the control of the Israeli military and political leadership, often linked to and consistent with the statements made by Israeli political officials and military leaders since 7 October 2023. The Commission notes that Israeli military leaders and courts have the power to prevent and punish the crimes committed by the Israeli security forces personnel. The Commission reiterates, as discussed in its previous reports, that it has no evidence that Israel has conducted any genuine investigations or prosecutions or trials relating to these crimes.[477]

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474 ILC, *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries,* 2001, art. 4.

475 ICJ, *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, I.C.J. Reports 1999, p. 62,* 29 April 1999, p. 87, para. 62.

476 ILC, *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries,* 2001, art. 4, paras. 6 and 12.

477 For example, A/79/232, para. 72; A/HRC/56/CRP.4, paras. 74 and 217.

238. The Commission has concluded on reasonable grounds that Israeli political and military leaders possess the specific intent to commit genocide against Palestinians in Gaza, based on their statements and the pattern of conduct of those under their command since 7 October 2023.

239. The Commission has also examined the Israeli command structure specifically in relation to the military campaign in Gaza. The Commission notes that, within the armed forces, the supreme command level is the Chief of the General Staff,[478] who is subordinate to the Minister of Defence and is subject to the authority of the Government.[479] The Minister of Defence is therefore in charge of the day-to-day operations of the armed forces, while the Israeli Government is in charge of the armed forces' strategy.[480] The Commission finds that the Israeli political and military leaders in charge of the war strategy are ultimately responsible for the commission of the underlying acts of genocide by members of the Israeli security forces. The Commission finds that the Israeli political and military leaders are agents of the State of Israel; therefore, their acts are attributable to the State of Israel.

240. The Commission therefore concludes that the State of Israel is responsible for the commission of genocide against the Palestinians in Gaza as a group, namely for the acts enumerated under articles II(a)-(d) of the Genocide Convention: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group.

241. A State may also incur responsibility for failing to prevent or punish genocide.[481] According to the International Court of Justice in *Bosnia v. Serbia,* a State is obligated to prevent the commission of the crime of genocide if, in a given situation, it has "manifestly failed to take all measures to prevent genocide which were within its power, and which might have contributed to preventing the genocide."[482] The Court also said, "A State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed. From that moment onwards, if the State has available to it means likely to have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of harbouring specific intent (*dolus specialis*), it is under a duty to make such use of these means as the circumstances permit."[483] On 24 January 2024 Israel was put on notice of a serious risk of genocide, triggering its obligation to prevent it.

242. As noted above, the Commission has received no evidence that Israel has acted in any way to prevent or punish genocide, including by failing to conduct any genuine investigations or prosecutions.[484] On the contrary, the Commission has found that Israeli authorities, both political and military, have often justified the Israeli security forces' conduct and made statements of encouragement, leading to

[478] Israel: Basic Law of 1976, The Army, art. 3(A), available at https://www.refworld.org/legal/legislation/natlegbod/1976/en/28150.

[479] Israel: Basic Law of 1976, The Army, art. 3, available at https://www.refworld.org/legal/legislation/natlegbod/1976/en/28150.

[480] https://www.lawfaremedia.org/article/israel's-war-cabinet-a-brief-history-of-war-powers-and-institutional-ambiguity

[481] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 383.

[482] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, paras. 430 and 461.

[483] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 431.

[484] For example, A/79/232, para. 72; A/HRC/56/CRP.4, paras. 74 and 217.

the commission of further crimes. The duty to punish the commission of genocide arises when genocidal acts have been committed. Such duty requires Israel to effectively investigate and duly punish the acts that may amount to genocide.[485] It is clear, from the pattern of conduct of the Israeli authorities, that crimes committed by soldiers were largely unpunished, evident through the authorities' justification of the soldiers' actions and further encouragement. Therefore, the Commission concludes that the State of Israel has failed to prevent and punish the commission of genocide, as required under article I of the Genocide Convention.

243. The Commission concludes that Israel's actions amount to violations of its obligations under the Genocide Convention, namely for the commission of genocide by its organs and for the failure to prevent and punish the commission of the crime. Israel is under an obligation to immediately (i) cease all activities, including military operations, that are inconsistent with its obligations under the Genocide Convention; (ii) comply with all provisional measures ordered by the International Court of Justice and take all measures within its power to prevent and punish the commission of all acts within the scope of articles II(a)–(d) of the Genocide Convention; and (iii) make full reparation for the harm and damage caused to the Palestinians as a group in the form of restitution, compensation and satisfaction.[486] Furthermore, the Commission notes that Israel should grant access to the Commission and allow it to enter Gaza to investigate allegations of genocide, in compliance with the order of the International Court of Justice.

244. In relation to the crime of direct and public incitement to commit genocide, the Commission finds that the acts of the officials, as agents of the State of Israel, are attributable to the State of Israel, as well as being individual crimes under international law. The Commission therefore concludes that Israel is responsible under article III(c) of the Genocide Convention for the direct and public incitement by its officials to commit genocide against Palestinians in Gaza as a group.

245. Article IV of the Genocide Convention obligates States to punish individuals who have committed acts of direct and public incitement to commit genocide. regardless of the perpetrator's official capacity. Therefore, the Commission emphasises that Israel has the duty to investigate and, where applicable, punish persons, including political and military leaders and Israeli security forces personnel, who have directly and publicly incited others to commit genocide against Palestinians in Gaza as a group.

## B. Third States

246. The duty to prevent and punish genocide applies not only to the responsible State but to all States Parties to the Genocide Convention and indeed to all States under customary international law. In the *Barcelona Traction* case*,* the International Court of Justice recognised the *erga omnes* obligation in preventing and punishing genocide[487] and held that the Genocide Convention obligates all States Parties to prevent and punish the crime of genocide.[488] Even in the absence of an express order by the International Court of Justice, all States have a duty to assess whether a violation of the Genocide Convention has occurred or may occur and take steps to determine their own obligations in preventing and punishing such acts.

247. On 26 January 2024, in its first of three provisional measures orders in the *South Africa v. Israel* case, the International Court of Justice put all States on notice of the plausibility of the State of Israel committing genocide in its military operations

[485] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43*, 26 February 2007, 430.

[486] ILC, *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries,* 2001, arts. 34-37.

[487] ICJ, *Barcelona Traction, Light and Power Company, Limited, Judgment, I.C.J. Reports 1970, p. 3,* 5 February 1970, paras. 33-34.

[488] Genocide Convention, art. I.

in Gaza since 7 October 2023. The Court said, "at least some of the rights claimed by South Africa and for which it is seeking protection are plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III [of the Genocide Convention]."[489] It found "a real and imminent risk that irreparable prejudice will be caused to the rights found by the Court to be plausible".[490]

248. It noted, *inter alia*, the catastrophic living conditions in Gaza. On 24 May 2024, the Court reinforced its earlier order, saying that "the current situation arising from Israel's military offensive in Rafah entails a further risk of irreparable prejudice to the plausible rights claimed by South Africa and that there is urgency, in the sense that there exists a real and imminent risk that such prejudice will be caused before the Court gives its final decision."[491] It ordered Israel to "immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part".[492] The Commission emphasises the importance of these provisional measures orders in providing a strong statement to other States of their obligations to prevent and punish genocide.

249. Therefore, the Commission finds that, since at least 26 January 2024, when the International Court of Justice ordered its first provisional measures, all States Parties to the Genocide Convention, and all other States too, have been on notice of a serious risk that genocide was being or would be committed. As such, the duty to prevent genocide was triggered due to the actual or constructive knowledge of the immediate plausibility that genocide was being or was about to be committed. According to the International Court of Justice, where States Parties are able to contribute to the prevention of genocide, they are obligated to "employ all means reasonably available to them, so as to prevent genocide so far as possible."[493] Responsibility may be incurred if a State Party "manifestly failed to take all measures to prevent genocide which were within its power, and which might have contributed to preventing the genocide."[494]

250. Consistent with the obligations promulgated under the Genocide Convention, the Commission therefore notes that States are obliged to (i) ensure that Israel implements all orders for provisional measures issued by the International Court of Justice; (ii) cooperate to bring to an end all Israeli actions in Gaza that amount to a violation of the Genocide Convention; (iii) take steps to ensure the prevention of conduct that may amount to an act of genocide under the Genocide Convention, including the transfer of weapons that are used or likely to be used by Israel to commit genocidal acts; (iv) not recognise as lawful the military operations in Gaza that led to the violations of peremptory norms *(jus cogens)*, including genocide; and (v) conduct investigations and take steps to ensure the punishment of violations of peremptory norms.[495] The Commission recommends that, in fulfilment of these

[489] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Request for the Indication of Provisional Measures, Order, 26 January 2024, para. 54.

[490] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Request for the Indication of Provisional Measures, Order, 26 January 2024, para. 74.

[491] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 24 May 2024*,* para. 47.

[492] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),* Order, 24 May 2024*,* para. 50.

[493] ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 430.

[494] ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43,* 26 February 2007, para. 430.

[495] ILC, *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries,* 2001, art. 41.

obligations, States (i) intervene in the International Court of Justice proceedings of *South Africa v. Israel;* and (ii) support and cooperate fully with the Office of the Prosecutor of the International Criminal Court in its investigation into the situation in the State of Palestine, with the aim of advancing international accountability.

# VII. Conclusions

251. The Commission's analysis in this report relates solely to the determination of genocide under the Genocide Convention as it relates to the responsibility of the State of Israel both for the failure to prevent genocide, for committing genocide against the Palestinians in Gaza since October 2023 and for the failure to punish genocide. The Commission also notes that, while its analysis is limited to the Palestinians specifically in Gaza during the period since 7 October 2023, it nevertheless raises the serious concern that the specific intent to destroy the Palestinians as a whole has extended to the rest of the occupied Palestinian territory, that is, the West Bank, including East Jerusalem, based on Israeli authorities' and Israeli security forces' actions therein, and to the period before 7 October 2023. The events in Gaza since 7 October 2023 have not occurred in isolation, as the Commission has noted. They were preceded by decades of unlawful occupation and repression under an ideology requiring the removal of the Palestinian population from their lands and its replacement.

252. **The Commission concludes on reasonable grounds that the Israeli authorities and Israeli security forces have committed and are continuing to commit the following *actus reus* of genocide against the Palestinians in the Gaza Strip, namely (i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (iv) imposing measures intended to prevent births within the group.**

253. **On incitement to genocide, the Commission concludes that Israeli President Isaac Herzog, Prime Minister Benjamin Netanyahu and then Defence Minister Yoav Gallant, have incited the commission of genocide and that Israeli authorities have failed to take action against them to punish this incitement. The Commission has not fully assessed statements by other Israeli political and military leaders, including Minister for National Security Itamar Ben-Gvir and Minister for Finance Bezalel Smotrich, and considers that they too should be assessed to determine whether they constitute incitement to commit genocide.**

254. **On the *mens rea* of genocide, the Commission concludes that statements made by Israeli authorities are direct evidence of genocidal intent. In addition, the Commission concludes that the pattern of conduct is circumstantial evidence of genocidal intent and that genocidal intent was the only reasonable inference that could be drawn from the totality of the evidence. Thus, the Commission concludes that the Israeli authorities and Israeli security forces have had and continue to have the genocidal intent to destroy, in whole or in part, the Palestinians in the Gaza Strip.**

255. **The Commission concludes that the State of Israel bears responsibility for the failure to prevent genocide, the commission of genocide and the failure to punish genocide against the Palestinians in the Gaza Strip.**

# VIII. Recommendations

256. **The Commission recommends that the Government of Israel:**

**(a) Immediately end the commission of genocide in the Gaza Strip and comply fully with the provisional measures of the International Court of Justice in its orders of 26 January, 28 March and 24 May 2024;**

**(b) Immediately implement a complete permanent ceasefire in Gaza and end all military operations in the occupied Palestinian territory that involve the commission of genocidal acts;**

**(c) Restore, allow and ensure unhindered access of all United Nations staff, including UNRWA international staff, and all international agencies coordinating or providing humanitarian aid in the occupied Palestinian territory, including East Jerusalem;**

**(d) Immediately end its policy on starvation and end the distribution of food aid through the Gaza Humanitarian Foundation;**

**(e) Ensure full, unimpeded access of humanitarian aid at scale and through multiple distribution points throughout the Gaza Strip, including food, clean water, medical equipment and medicine to all areas of Gaza through a UN-led humanitarian response;**

**(f) Allow, facilitate and ensure unhindered medical evacuation of Palestinians from Gaza to third States;**

**(g) Allow, facilitate and ensure the unhindered access to Gaza by emergency medical teams;**

**(h) Allow the Commission access to Israel and the occupied Palestinian territory, including East Jerusalem, to continue its investigations;**

**(i) Investigate and punish the commission of genocide and incitement to genocide against the Palestinian population in the Gaza Strip.**

257. **The Commission recommends that all Member States:**

**(a) Employ all means reasonably available to them to prevent the commission of genocide in the Gaza Strip;**

**(b) Cease the transfer of arms and other equipment or items, including jet fuel, to the State of Israel or third States where there is reason to suspect their use in military operations that have involved or could involve the commission of genocide;**

**(c) Ensure individuals and corporations in their territories and within their jurisdiction are not involved in the commission of genocide, aiding and assisting the commission of genocide or incitement to commit genocide and investigate and prosecute those who may be implicated in these crimes under international law;**

**(d) Facilitate the investigations and domestic proceedings and take action (including imposing sanctions) against the State of Israel and against individuals or corporations that are involved in or facilitating the commission of genocide or incitement to commit genocide;**

**(e) Cooperate with the investigation of the Office of the Prosecutor of the International Criminal Court.**

258. **The Commission recommends that the Prosecutor of the International Criminal Court:**

**(a) Examine, within its continuing investigation in the *Situation in the State of Palestine*, the crime of genocide for amendment to existing arrest warrants and addition to future application for arrest warrants;**

**(b) Examine the involvement of officials mentioned in this report for inclusion as those most responsible for international crimes committed in the occupied Palestinian territory.**